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Published monthly by the

New York State Education Department

FEBRUARY 1908

New York State Library

Bulletin 117

LEGISLATION 35

DIGEST OF GOVERNORS MESSAGES 1907

OCTOBER 1, 1904 TO OCTOBER 1, 1907

EDITED BY

Frederick D. Bramhall, *Legislative Reference Librarian*

	PAGE		PAGE
Explanations.....	5	Combinations and monopolies.....	107
Messages included.....	7	Administration of justice.....	109
Principal headings.....	9	Administrative law.....	112
Law (general).....	15	Finance, Public property.....	118
Constitutional law.....	10	Public order.....	160
Constitutions.....	10	Control of waters.....	190
Officers, Departments.....	20	Transportation and communication.....	195
Legislature.....	32	Commerce and industry (general).....	229
Direct legislation.....	46	Banking.....	246
Citizenship, Civil and political rights.....	47	Insurance.....	243
Elections, Political parties.....	47	Navigation, Waterways.....	245
Criminal law.....	70	Agriculture.....	257
Criminal procedure.....	70	Game and fish.....	260
Crimes and offenses.....	75	Mines and mining.....	268
Corrections.....	79	Labor.....	270
Civil law.....	90	Charities.....	281
Property.....	96	Education, Science, Culture.....	291
Contracts and other obligations.....	98	Military regulations.....	323
Torts.....	98	Local government.....	329
Family.....	100	Index.....	347
Corporations.....	102		

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State Library, Albany, N. Y., November 4, 1907

Hon. Andrew S. Draper

Commissioner of Education

DEAR SIR: I have the honor to transmit herewith and recommend for publication the annual Digest of Governors Messages, the sixth of its series. This bulletin digests briefly and arranges by subjects the definite recommendations, in regard to legislation, of governors in all the states. The governor is one of the most potent factors in determining the trend of legislation. The usefulness of the Digest to one who wishes to avail himself of experience elsewhere in the solution of current problems is therefore evident.

During the preparation of this bulletin Dr Robert H. Whitten, who has been in charge of the legislative reference section since 1898, resigned. The series of Digests of Governors Messages was instituted by him in 1902, to supplement the Index of Legislation which had been published by the New York State Library since 1890; in 1901 he had originated the annual Review of Legislation, the three bulletins since that time constituting the Yearbook of Legislation. That these annuals have proved of value to students and public men throughout the country is beyond question. Their direct value to the State of New York, through members of the Legislature, public officials and the unofficial forces behind public life, has been sufficient to justify their preparation.

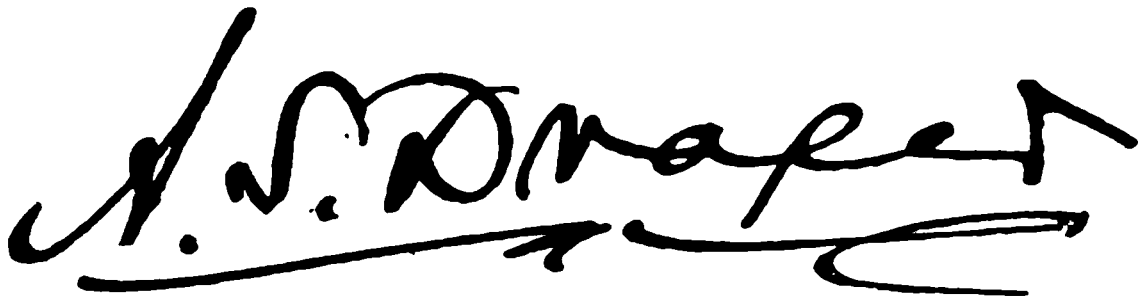
Respectfully submitted

EDWIN H. ANDERSON

Director

State of New York
Education Department
COMMISSIONER'S ROOM

Approved for publication this 6th day of November 1907

A large, stylized handwritten signature in dark ink, appearing to read 'A. S. Draper', with a long horizontal flourish extending to the right.

Commissioner of Education

New York State Library

Bulletin 117

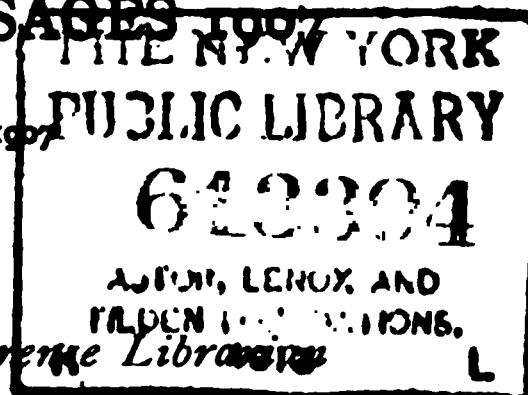
LEGISLATION 35

DIGEST OF GOVERNORS MESSAGES

OCTOBER 1, 1906 to OCTOBER 1, 1907

EDITED BY

Frederick D. Bramhall, *Legislative Reference*



This digest was brought nearly to completion under the direction of Dr Robert H. Whitten, who has edited all five of the digests which have preceded it. A large part of the digesting has been done this year by Mr John T. Fitzpatrick, assistant in the legislative reference section.

EXPLANATIONS

The digest includes all regular messages and all special messages recommending legislation. Veto messages and messages merely transmitting documents are not included. Topics in the President's message related to those with which the states have to deal are also included. As the journals of but few of the states are received in time for use, we have to rely on the executive department of each state to furnish lists and copies of the messages.

No attempt is made to index or digest everything contained in the messages but merely the definite recommendations of the governors concerning legislation. General remarks, recitals of facts not joined with recommendations, statements bearing on the condition and progress of the state, or a part or department of the state, are omitted. Whenever possible, the gist of important recommendations is given by the quotation of leading sentences or paragraphs.

Citations. The citations give state, governor, day, month and year of message, and inclusive paging. Many special messages are received in manuscript form, and to them no page reference can be given. The usual abbreviations of month and state names are used.

Classification. The classification of the digest is the same as that of the Index of Legislation, and will continue unchanged from year to year, except for the insertion of new headings when new subjects of legislation arise. The numbers assigned to subject headings will also remain unchanged, so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Headings under which there are no recommendations during the year are omitted.

MESSAGES INCLUDED

MESSAGES INCLUDED IN THE DIGEST

Period covered, October 1, 1906 to October 1, 1907. In many states when there is a change of governors a message or address is sent or delivered to the Legislature by both the outgoing and incoming governor. In the following, where messages by different governors are listed for the same or very near dates, the first is the message of the outgoing governor and the second that of the incoming

STATES AND TERRITORIES	GOVERNOR	DATE	PAGES	SUBJECT OF SPECIAL MESSAGE
Alabama.	William D. Jelks.	8 Jan. '07	32	
	B. B. Comer.	15 Jan. '07	39	
		9 July '07	19	
Arizona	Joseph H. Kibbey.	22 Jan. '07	75	
		1 Mar. '07	16	Assessment & tax of mines
Arkansas	John S. Little.	18 Jan. '07	18	
California.	George C. Pardee.	7 Jan. '07	49	
	James N. Gillett.	9 Jan. '07	14	
Colorado	Jesse F. McDonald.	3 Jan. '07	19	
	Henry A. Buchtel.	8 Jan. '07	11	
		9 Jan. '07	23	
Connecticut.	Rollin S. Woodruff.	22 Jan. '07	9	Jamestown Exposition
		12 Feb. '07	3	Railroads
		11 June '07		Street railways
		17 June '07		Public service corporations
Delaware	Preston Lea.	7 Jan. '07	25	
Florida	N. B. Broward.	2 Apr. '07	70	
Georgia.	Joseph M. Terrell.	29 June '07	27	
	Hoke Smith.	26 June '07	61	
Idaho	F. D. Gooding.	8 Jan. '07	40	
Illinois	Charles S. Deneen.	9 Jan. '07	47	
Indiana	Frank Hanly.	10 Jan. '07	96	
		6 Feb. '07		Insurance department
Iowa	Albert B. Cummings.	14 Jan. '07	35	
Kansas	E. W. Hoch.	8 Jan. '07	39	
Maine	William T. Cobb.	3 Jan. '07	10	
		3 Jan. '07	33	
Massachusetts	Curtis Guild jr.	12 Apr. '07	6	Commerce & industry
		12 June '07		Railroad combination
		9 Jan. '07	26	
Michigan	Fred. M. Warner.	7 Feb. '07	5	Binder twine
		26 Mar. '07	3	2 cent fare
		23 Apr. '07	3	Election of U. S. senators
Minnesota	John A. Johnson.	9 Jan. '07	56	
		2 Jan. '07	42	
Missouri.	Joseph W. Folk.	20 Feb. '07		Excise commission
		27 Feb. '07		Maximum freight rates
		9 Apr. '07	42	Extra session
Montana	Joseph K. Toole.	8 Jan. '07	39	
	John H. Mickey.	3 Jan. '07	35	
Nebraska		3 Jan. '07	7	
	George L. Sheldon.	28 Jan. '07		Forest reserve fund
		13 Mar. '07		Antilobby & primary
Nevada.	John Sparks.	21 Jan. '07	31	
New Hampshire	Charles M. Floyd.	3 Jan. '07	21	
New Jersey	Edward C. Stokes.	8 Jan. '07	51	
New Mexico.	Herbert J. Hagerman.	21 Jan. '07	52	
		2 Jan. '07	29	
		1 May '07		Apportionment
New York.	Charles E. Hughes.	23 May '07		Recount New York City votes
		4 June '07		5 subjects
		24 June '07		Apportionment
		8 July '07		Extra session
North Carolina.	Robert B. Glenn.	9 Jan. '07	46	
North Dakota	John Burke.	9 Jan. '07	12	
	E. Y. Sarles.	9 Jan. '07	21	
Oregon	George E. Chamberlain.	16 Jan. '07	40	
	Samuel W. Pennypacker.	1 Jan. '07	18	
Pennsylvania.	Edwin S. Stuart.	15 Jan. '07	11	
Rhode Island	James H. Higgins.	3 Jan. '07	23	
South Carolina	D. C. Heyward.	8 Jan. '07	20	
	M. F. Ansel.	15 Jan. '07	10	

N. Y. STATE LIBRARY GOVERNORS MESSAGES 1907

STATES AND TERRITORIES	GOVERNOR	DATE	PAGES	SUBJECT OF SPECIAL MESSAGE
South Dakota...	Samuel H. Elrod.....	8 Jan. '07	48	
	Coe I. Crawford.....	8 Jan. '07	43	
Tennessee.....	Malcolm R. Patterson...	7 Jan. '07	20	
		1 Apr. '07	7	Extra session
Texas.....	S. W. T. Lanham.....	10 Jan. '07	24	
	F. M. Campbell.....	16 Jan. '07	27	
		16 Apr. '07	8	Extra session
		15 Jan. '07	49	
		22 Jan. '07		Juvenile Court law
		4 Feb. '07		Forest reserve fund
		11 Feb. '07		Rate of state assessments
Utah.....	John C. Cutler.....	14 Mar. '07		Mileage of district judges
		14 Mar. '07		Exhibit at Mining Exposition
		14 Mar. '07		Bonds for car company taxes
		14 Mar. '07		Board of Horse Commissioners
Vermont.....	Charles J. Bell.....	4 Oct. '06	16	
	Fletcher D. Proctor.....	4 Oct. '06	20	
Washington.....	Albert E. Mead.....	14 Jan. '07	40	
West Virginia...	William M. O. Dawson...	8 Jan. '07	114	
		17 Jan. '07	35	Cases of peonage
Wisconsin.....	James O. Davidson.....	10 Jan. '07	56	
Wyoming.....	Bryant B. Brooks.....	10 Jan. '07	65	
		3 Dec. '06	53	
		17 Dec. '06	4	Public land laws
		18 Dec. '06	12	Panama canal
United States.....	Theodore Roosevelt.....	23 Jan. '07	3	Ship subsidy
		12 Jan. '07	40	Colorado river overflow
		13 Feb. '07	8	Mineral fuels

PRINCIPAL HEADINGS

Marginal
no.

PRINCIPAL HEADINGS

LAW (GENERAL)

- 1
- 2 Statutes
- 3 Preparation of statutes
- 5 Publication of session laws
- 11 Revision and compilation
- 13 Uniform laws
- 14 Comparative legislation

CONSTITUTIONAL LAW

- 15
- 19 Statistics
- 30 Constitutions
- 32 Revision
- 38 Officers. Departments
- 58 Temporary boards and officers
- 60 State institutions
- 63 Supervision and administration
- 67 Public documents. Printing
- 77 Legislature
- 90 Members of Legislature
- 95 Internal organization
- 105 Legislative procedure
- 113 Sessions
- 115 Direct legislation
- 116 Citizenship. Civil and political rights
- 123 Indians
- 126 Elections. Political parties
- 129 Suffrage: qualifications
- 130 Property. Poll tax
- 134 Nationality. Race.
- 146 Women
- 149 Corrupt practices. Election offenses
- 150 Corrupt practices acts
- 160 Nominations. Parties
- 170 Districts. Notices. Days
- 175 Ballots. Voting
- 187 Registration
- 192 Election officers
- 194 Canvass. Contests
- 196 Contests

CRIMINAL LAW

- 200
- 202 Criminal procedure
- 203 Apprehension, prosecution, indictment
- 216 Criminal trials
- 219 Evidence
- 224 Judgment. Sentence. Execution
- 230 Jury
- 234 Crimes and offenses

Marginal
no.

236	Crimes against the government
256	Crimes against public order and security
264	Crimes against public morals and the family
292	Crimes against persons
308	Crimes against property
335	Corrections
341	State prisons
343	Reform schools and reformatories
348	Local institutions
352	Discipline. Instruction. Care of sick
353	Commitment. Transportation. Transfer
354	Convict labor
361	Criminal insane
363	System of sentencing and reform

CIVIL LAW

375	
377	Property
379	Real property
381	Tenure. Titles
392	Conveyance
405	Liens and mortgages
453	Contracts and other obligations
461	Money. Interest. Usury
464	Negotiable instruments
468	Torts
474	Family
476	Marriage
480	Divorce
500	Corporations
509	Capital. Shares. Debts. Property
523	Dissolution. Insolvency
525	Foreign corporations
583	Corporations not for profit
589	Combinations and monopolies
590	Administration of justice
591	Practice of law
600	Courts
605	Supreme courts
609	Intermediate courts
645	Inferior courts
657	Court officers
695	Civil procedure
699	Commencement of action
726	Jury. Verdict
733	Appeals. Review
739	Special actions

PRINCIPAL HEADINGS

Marginal
no.

750	ADMINISTRATIVE LAW
770	Finance. Public property
772	Domain. Property
774	Public lands
779	Buildings. Property and supplies
793	Public works
800	Taxation (general)
810	Exemptions from general property tax
819	Assessment
825	Review. Equalization. Adjustment
827	Collection
829	Delinquent taxes. Tax sales. Redemption
830	Income tax
831	Poll taxes
833	Business taxes. Revenue, license or privilege taxes
836	Inheritance tax
841	Corporation taxes
843	Banking institutions
845	Transportation and transmission corporations
846	Mining
849	Budget
853	Accounts. Methods generally. Collection of moneys. Warrants
865	Debts. Bonds
868	Deposits and depositories
870	Public order
872	Police
874	State and county police
875	Municipal police
877	Miscellaneous police regulations
879	Amusements
900	Intoxicating liquors. Narcotics
927	Mob violence
929	Sunday observance
930	Public health and safety
932	General supervision
938	Vital statistics
940	State control of medicine
943	License to practise
952	Sale of drugs
956	Adulteration. Inspection of articles liable to affect public health
961	Milk and milk products
972	Other articles of food and drink
1020	Communicable diseases
1048	Disposition of the dead
1065	Nuisances (general). Miscellaneous health regulations
1090	Public safety
1092	Fires

Marginal
no.

1099	Buildings: sanitation and safety
1124	Miscellaneous
1144	Communicable diseases of animals
1180	Control of waters
1200	Transportation and communication
1204	Rates. Discrimination
1227	Passenger rates
1240	Miscellaneous. Common carriers
1267	Railways. Car companies. Express
1268	Corporate organization and powers
1280	Public ownership and aid
1286	Supervision and regulation
1313	Public safety, comfort and order
1337	Street railways
1378	Express
1384	Canals
1393	Bridges. Tunnels
1411	Telegraph and telephone
1422	Commerce and industry (general)
1425	Weights and measures
1464	Adulterations and imitations. Branding. Inspection
1505	Associations. Exchanges. Speculation
1508	Warehouses. Markets
1532	Regulation and licensing of trades and occupations
1590	Miscellaneous trade regulations
1630	Encouragement of industries
1679	Banking
1708	Savings banks
1718	Building and loan associations
1732	Insurance
1754	Life and accident
1759	Mutual insurance
1762	Accident, health and industrial insurance
1764	Fire and other casualty
1770	Mutual companies
1800	Navigation. Waterways
1826	Agriculture
1835	Associations. Fairs
1844	Horticulture. Diseases and pests
1856	Noxious animals. Bounties
1875	Domestic animals
1876	Running. Impounding. Fences
1890	Forestry
1900	Game and fish
1909	Game
1913	Big game
1944	Birds

PRINCIPAL HEADINGS

Marginal
no.

1959	Fish
1974	Special kinds of fish
2000	Shellfish. Miscellaneous
2020	Mines and mining
2040	Labor
2085	Hours
2100	Wages
2113	Employment
2125	Employers liability. Insurance
2134	Labor disputes
2140	Charities
2149	Poor relief
2160	Sick and disabled
2172	Children
2183	Defectives
2184	Deaf and dumb
2188	Blind
2193	Insane
2210	Epileptics
2215	Feeble-minded
2220	Education. Science. Culture
2223	Elementary and secondary education
2237	General school finance
2246	Negroes
2247	Teachers
2267	Attendance
2282	Textbooks. Supplies
2327	High schools and academies
2330	Higher education
2342	Professional and technical education
2352	Libraries
2354	State libraries
2356	Free public libraries
2363	History. Records. Memorials
2370	Memorials. Monuments
2379	War records
2380	Scientific work. Art
2388	Military regulations
2391	Militia. National Guard
2406	Pensions and relief
2416	Soldiers homes
2430	Local government
2432	Municipalities
2438	Organization. Powers generally
2473	Municipal civil service
2492	County and township government
2501	Governing body

N. Y. STATE LIBRARY GOVERNORS MESSAGES 1897

Marginal
no.

2512	County civil service
2550	Local finance
2566	Taxes
2575	Budget. Accounts
2597	Debts. Bonds
2620	Public works. Public improvements
2627	Municipal utilities (general)
2633	Electricity. Gas
2661	Sewerage. Garbage
2679	Parks. Public grounds
2700	Roads. Streets

STATUTES

LAW (GENERAL)

Statutes

See also 85, Overlegislation; 88, Special laws

Preparation of statutes

- a **Ct. Woodruff.** “. . . To cover all this loose legislation and for fear that there may have been something passed which was not in proper form it is usual at the end of the session to pass an act — a healing act — which by its beneficent effect helps out the case and operates to negative a possible blunder. But I would suggest as a remedy for such conditions that the position of clerk of bills, and perhaps the engrossing clerk, be made a permanent position, or that one or both should continue in office during good behavior. I find upon investigation that this plan has been tried in some other states, more especially in the state of Wisconsin, where the office of legislative librarian was created with a view of securing legislation in proper form. I realize that great care should be taken in selecting a man to fill such a place. He must be a man of ability and honesty. And he should not be removable except for cause. Wisconsin has made herself distinguished for the good form of her statute laws. That state has accumulated much valuable material for the information of her legislators, arranged in a card system so that officials in charge are able to respond promptly to any inquiry for information on a subject likely to come before the General Assembly or the executive departments. Laws of other states and countries are included in the indexes, thus giving a safe guide to those drawing or reporting a new statute and enabling them to follow the wording of one that has stood the test of time and use.” 9 Jan. '07, p.5-7
- b **N. D. Burke.** “And, while I am upon this subject I recommend that all legislation which you enact be simplified by using simple language, incapable of more than one construction.” 9 Jan. '07, p 4
- c **W. Va. Dawson.** “There has been much criticism in the public press for many years of the failure of Legislatures to fulfil the purpose for which they were created. Much of this criticism was exaggerated. Much of the failure to fulfil public expectations by legislative bodies is due for the want of proper assistance — expert help. Much of this would be obviated were there about the Legislature a small body of trained men, say, for your body four men, who should be chosen without any regard to their politics, but solely for their ability, whose terms of office would be during good behavior, and whose business it would be to draft bills for members; to attend on committees and assist them in their work; articulate proposed laws to those in effect, in order to obviate contradicting statutes; and to recommend changes in laws, and

prepare and have ready for the members bills on various subjects. To require that every member of the Legislature should be able properly to write an important bill on any subject, and to know the whole body of the statutes so well as to avoid any conflict between his proposed law and the laws in force, would require that every member of the Legislature should be a thoroughly well trained lawyer at least. This is not desirable, because the ideal Legislature is one which would contain citizens of all professions and classes. Some time after I had arrived at the conclusion that it would be well to have this expert help about the Legislature, I saw the same idea advanced in the able publications of the New York State Library, which has put the whole country under obligations to that state for the immensely valuable information published from time to time in its bulletins. Your sessions are so short, your labors so arduous, your work so important, that you ought for thorough work's sake to have all reasonable help and assistance." 8 Jan. '07, p.91-92

5 Publication of session laws

7 *Distribution*

- a Wy. Brooks.** "I recommend that the laws in that particular be so amended as to provide that the Secretary of State shall immediately upon the publication of the laws of each session, deliver into the custody of the State Librarian, upon the requisition of that officer, a sufficient number of copies thereof to enable him or her to comply with the section requiring one copy to be sent to the librarian of each state and territory, also the library of the United States, and repealing the requirement that the Secretary of State be compelled to send a copy to the governor of each state and territory." 10 Jan. '07, p.10

11 Revision and compilation

- a Col. McDonald.** "I believe it expedient that the statutes of Colorado should be revised and published by the state, and sold by the state at a reasonable price." 3 Jan. '07, p.15
- b Mo. Folk.** "The session of 1909 will be the regular revising session of the General Assembly. There is an urgent necessity for proper revision of the statute laws of the state. Revisions heretofore have been made hastily, with the results that the statutes are full of contradictions, causing uncertainty as to what the law is. A commission of men learned in the law should be provided for to revise the statutes, and have the result of their work ready to submit to the 45th General Assembly." 2 Jan. '07, p.41-42
- c Mon. Toole.** Urges revision of codes. 8 Jan. '07, p.38
- d N. J. Stokes.** "... A commission is at present compiling the acts now in force, but their work, when complete, however thor-

SESSION LAWS

II

ough and admirable, will be simply a compilation and not a revision or simplification of law. . . The time is ripe for a condensation and revision of our statutes. . .” 8 Jan. '07, p.24-25

- e **N.M. Hagerman.** “There is an urgent necessity for the revision of the statutes of New Mexico. With the ending of the next Legislative Assembly we will have five volumes of session laws since the laws were compiled in 1897. Without an immense amount of labor it is almost impossible to state definitely what the law is upon any particular subject on our statute books. . . I believe a revision of our laws would be best accomplished by the appointment of one competent attorney for that purpose, who is familiar with the legal history of the territory, with power to employ competent assistants, and that he should be required to report to the next Legislature the completed revision, together with a statement to the Legislature showing what material changes have been made in particular sections of the laws.”

21 Jan. '07, p.52

- f **N.Y. Hughes.** “. . . In 1904 the Board of Statutory Consolidation was created. Its work has progressed upon a plan which, as I am informed, disposes either by consolidation or express repeal of every general statute ever passed by the Legislature and presents a chronological table of the entire statutory law, general and special, with its complete history. The proposed general laws have been prepared and if their final examination by the members of the board is completed in time they will be presented to the Legislature this year. There remain the special laws, which should be classified and brought together under an appropriate analysis so that it will be possible to consult all the general laws and special laws on a given subject without the necessity of a search through the session laws. This should be supplemented by an adequate index so that any one may readily ascertain the statute law upon any given subject. It was also charged with the duty of reporting for enactment such amendments as to matters of procedure as should be deemed proper and necessary to condense and simplify the existing practice. . . In addition, it is desirable that independent provision should be made for a suitable revision of the Greater New York charter.”

2 Jan. '07, p.28-29

- g **S.D. Elrod.** Omissions in Revised Code of Civil Procedure of 1903; complete index of same. 8 Jan. '07, p.33-34

- h **S.D. Crawford.** Omissions in Revised Code of Civil Procedure of 1903. 8 Jan. '07, p.10-11

- i **U. Cutter.** Revision and compilation of statutes.

15 Jan. '07, p.45-46

- j **Wy. Brooks.** Compilation of statutes including those of present session; should be prima facie the law of the state; amendments should be allowed by reference to such compiled statutes and the section numbers thereof. 10 Jan. '07, p. 9-10

13

Uniform laws

See also 464, Negotiable instruments

- a **Ct. Woodruff.** "The commissioners on the uniformity of laws appointed by this state have submitted a proposed act of sales and a proposed act on warehouse receipts. These acts have been prepared by the general conference of commissioners appointed by the various states to recommend legislation to their respective states, tending to promote uniformity on certain matters throughout the country. . . I recommend the passage of both these acts as of importance to the commercial interests of the state and the country." 9 Jan. '07, p.15
- b **Mass. Guild.** "The ever closer bond between the states is daily giving greater force to the demand for uniformity in laws concerning such matters as can not be constitutionally controlled by the national government. If escape from taxation on personal property is to be checked, we must have more uniformity in our state laws of taxation. If vice in one section is not to become virtue in another, we must have greater uniformity in our state laws in regard to divorce. If bad insurance methods are really not desired by the American people, they must be discountenanced in every state. If the public mean what they say they mean in regard to the so called "trusts," their attention should be concentrated on the laws of those states which permit the creation of trusts. In this great general movement Massachusetts should not merely accept but should suggest progressive legislation." 3 Jan. '07, p.6
- c **R. I. Higgins.** "The conference of commissioners on the uniformity of state laws is prepared to submit at this session of the General Assembly several important matters of legislation, which, I believe, should receive your consideration and indorsement. One is a uniform law of sales, the other is a uniform law of warehouse receipts. Another is a uniform divorce law. All of these matters have been considered at great length and with thorough skill by eminent attorneys from various parts of the country, and have been indorsed by the legal profession generally. They touch on subjects which are no longer state or local issues, but which have become matters of national importance requiring a settled and uniform law if confusion and litigation are to be prevented hereafter. . . ." 3 Jan. '07, p.17-18
- d **S. D. Elrod.** "Recently the Executive Department received a draft of an act to make uniform the law of sales and a draft of an act to make uniform the law of warehouse receipts, indorsed and recommended by the Commission of Uniform State Laws. They relate to important subjects and are worthy of careful consideration. . . ." 8 Jan. '07, p.41
- e **U. Cutler.** "There are a number of important matters outside the jurisdiction of the Congress of the United States, on which

CONSTITUTIONS REVISION

13

uniform laws in the several states are desirable. Among these are the subjects of marriage and divorce, insolvency, the descent and distribution of property, law of sales, warehouse receipts, the execution and probate of wills, and others. The suggestion has been made that each state appoint a board of some three commissioners, to represent it in this matter. I am in hearty accord with this recommendation, and suggest that you authorize such a commission and provide by appropriation for its expenses." 15 Jan. '07, p.41

14

Comparative legislation

- a **Cal.** Pardee. "I desire to call the attention of members of the Legislature to the valuable assistance they may expect to receive in their work by consulting the legislative reference department which has been established for their convenience." 7 Jan. '07, p.73

15

CONSTITUTIONAL LAW

This and 750, Administrative law, make up what is commonly known as the Political Code

19

Statistics

See also 938, Vital statistics; 1832, Agriculture

- a **Kan.** Hoch. ". . . A bureau of information . . . would be of great value to the state." 8 Jan. '07, p.20-21

30

Constitutions

- a **S. D.** Elrod. "The journals of the Constitutional Conventions of 1885 and 1889 have not been published. Single copies only of these important documents are in existence. It would be a great loss if they should be destroyed. Only by the debates of the conventions which made the constitution can many important portions of it be correctly interpreted. I advise that the State Librarian be authorized to edit and publish these journals, under such regulations for their disposal as will make them available for the use of the bar, the courts and the libraries of the state." 8 Jan. '07, p.38

32

Revision

- a **Mo.** Folk. ". . . It has been urged that the time has come when a constitutional convention should be called. The making over of our organic law would be a grave undertaking, fraught with serious consequences to the people should a mistake be made. It should not be entered into unless you find that it is impracticable to amend the present Constitution so as to meet the new conditions that have arisen since its adoption, and the needs of a state throbbing with commercial activity." 2 Jan. '07, p.40

32

- b Mo. Folk.** "I invite your consideration of the propriety and advisability of the adoption of a resolution making application to the Congress of the United States to call a convention for proposing amendments to the federal Constitution. . . As to what amendments are important and desirable every one may have his own views. There is an earnest desire by the people of the country for the election of senators by direct vote of the people, for the establishment of the principles of the initiative and referendum, and for a just income tax. The relative powers of Congress and the courts with reference to injunction and other extraordinary writs, might properly be declared and established in the light of recent history and modern development. . ."

2 Jan. '07, p.40-41

38

Officers Departments

Departments of agriculture are classified under Agriculture, departments of education under Education, etc.

- a N. H. Floyd.** "The Forestry Commission, which cost last year \$3466, and the Labor Bureau, which was maintained at an expense of \$3147, besides office rent, do not render the public such service as creates the opinion that they should be perpetuated in their present form. I recommend that the laws creating them be repealed, and then if it be deemed desirable that any of their duties be performed, a clerk in the Agricultural Department be intrusted with the work."

3 Jan. '07, p.17

- b N. Y. Hughes.** Recommends that provision be made for the investigation of administrative departments by the Governor.

4 June '07

- c N. J. Stokes.** "From time to time the Legislature has created state boards authorized to license applicants who desire to pursue avocations within the state. These now consist of the State Board of Pharmacy, Board of Medical Examiners, Board of Dentistry, Board of Veterinary Medical Examiners, Board of Undertakers and Embalmers, Board of Public Accountants. . . I recommend that provision be made for a common secretary to all these boards, with an office in the State House, attached, perhaps, to the Department of State, to whom all communications of inquiry and applications for examination may be addressed."

8 Jan. '07, p.20

- d Wis. Davidson.** ". . . I recommend that a reorganization of the state service be made to the end that duties be more specifically defined, unimportant offices for which there is not sufficient work be combined wherever feasible, or abolished and their duties assigned to other employees, and that salaries be paid in proportion to the value of the service demanded. I am confident that such a change would greatly increase the efficiency of the different departments and result in a material saving to the state. . ."

10 Jan. '07, p.42-44

STATE DEPARTMENTS

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Civil service examination

- a** Ill. Deneen. "... In the operation of the civil service law the commission has found several obstacles which can only be removed by the amendment of the law. For instance, there is no preparatory school for teachers of the deaf in Illinois and, therefore, the number of teachers of this class is limited. In order that the best talent may be obtained for this school, the commission should be allowed to open the examinations to applicants outside the state. The commission will undoubtedly restrict the examinations to residents of Illinois whenever it is not necessary to permit citizens of other states to compete in order that the best results may be obtained. The law should be amended also so that the commission may order a trial whenever it believes that improper reasons prompted the removal of an employee. The two principal political parties in their platforms declared in favor of an extension of civil service, and in view of the improvement of the public service in the state charitable institutions, I recommend such extension, and to that end I commend to your careful consideration the recommendations of the State Civil Service Commission." 9 Jan. '07, p.4-5
- b** Ia. Cummins. "The time has come when Iowa should establish such civil service regulations as will insure the appointment of such employees as properly fall within the scope of a civil service system, upon competitive examinations, with advancements and promotions earned by faithful and efficient service. . ." 14 Jan. '07, p.14-15
- c** N. J. Stokes. "... Officers elected by the people, officers whose appointment is confirmed by the Senate, officers of any city or county whose appointment is confirmed by any legislative body, persons appointed by name by statute, are not properly subjects of civil service regulations. Outside of these, with some few exceptions, a civil service regulation would conduce not alone to the public welfare, but would relieve political life of one of its greatest burdens. . ." 8 Jan. '07, p.27-28
- d** Pa. Stuart. "I recommend the necessity of passing an adequate civil service reform law, applying to the officers of the commonwealth and to the offices of cities of the second and third classes and of the larger counties." 15 Jan. '07, p.9
- e** S. D. Crawford. "There is a feeling of uncertainty and insecurity among many who are connected with these [educational, charitable and penal] institutions, which grows out of a fear that, regardless of merit and faithful service, their tenure of position is in constant danger from political intrigue and partizan politics; and that merit and faithfulness must yield to favoritism and the political 'pull.' There should be no ground for concern on this account. The time has come when it should be made clear and emphatic that the fixed and permanent policy of the state is to place the management of these institutions entirely above all

questions of political expediency and favoritism. A rule of civil service should be applied to the administration of the public institutions of the state. . .” 8 Jan. '07, p.6-7

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Oath. Installation

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BONDS. SURETIES

- a Ill. Deneen. “. . . I recommend that provision be made for the procuring of the bond of the State Treasurer at public expense, when necessary.” 9 Jan. '07, p.44
- b Kan. Hoch. “. . . The law itself should fix the amount of the bond, and I believe it to be also a matter of palpable justice and good business for the state to meet the expenses of a good surety bond. It is absurd, of course, to require the Treasurer to pay for a surety bond, which I believe to be the best security to the state, out of his meager salary.” 8 Jan. '07, p.34
- c Mon. Toole. “Some states refuse to accept individual or personal sureties when surety company bonds are available. This is not an unreasonable requirement. The law should be amended accordingly and increase the bond of the State Treasurer to an amount not less than \$750,000, the premium therefor to be paid by the state.” 8 Jan. '07, p.8
- d Neb. Mickey. “The Attorney General holds that under our present law governing the giving of indemnity bonds each of the individuals or guaranty companies signing such a bond is liable for the whole amount. . . This construction, and it is undoubtedly correct, makes it very difficult for the State Treasurer to give a satisfactory guaranty bond in so large an amount as is required (\$1,000,000), for the reason that but few of the bonding companies will sign a joint bond. . . In view of these facts I recommend that the law governing official bonds be amended so as to permit of the division of large risks between several companies, each giving its individual bond for such part of the risk as is apportioned to it and being responsible for no more, and that the amount of risk permitted to any company be limited to 25% of its capital and surplus.” 3 Jan. '07, p.19
- e N. M. Hagerman. Suggests amendments to act requiring proper bonds for territorial and county officials: approval, amount, rates of surety companies. 21 Jan. '07, p.43-44
- f S. D. Elrod. “It is my judgment that it would be well to require all state, county, township and municipal officers to furnish surety bonds.” 8 Jan. '07, p.44
- g U. Cutler. Secretary of the State Board of Equalization should be required to give bond in connection with collection of tax from car companies. 15 Jan. '07, p.7
- h W. Va. Dawson. “Let the law provide that all bonds to be given by state officers and by sheriffs or other officers required to account for public funds, be bonds of surety companies; the

STATE DEPARTMENTS

cost of such bonds to be paid out of the public treasury, the maximum rates therefor being prescribed by statute. . ."

8 Jan. '07, p.82-83

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Qualifications

- a** **R. I. Higgins.** "... I recommend the enactment of laws which will prevent all city, town, or state officials from being interested, directly or indirectly, in any business transaction, contract, or other matter whatever, to which the city, town, or state, or any department, board, or commission thereof, may be a party. . . Along these same lines would be a law rendering members of the General Assembly ineligible for appointment or election to any state office or position during the term for which such men were elected, the incumbent whereof is appointed by the Governor or elected by the Legislature or either house thereof, such ineligibility not to be evaded by resignation from either house during the term for which such member was elected."

3 Jan. '07, p.16-17

- b** **Tex. Campbell.** "... A law defining nepotism and prohibiting its practice in this state is suggested as of commanding importance. . ."

16 Jan. '07, p.12

- c** **Wash. Mead.** "I favor the enlargement of the law defining the qualifications of notaries public and members of boards and commissions to the end that women may have equal opportunities with men to serve the state in these positions of honor and trust."

14 Jan. '07, p.38

38(7

Reports

- a** **Ari. Kibbey.** "... Printed copies of the departmental reports are not ready, as a rule, until the session of the Legislature is half completed. I recommend that you authorize and direct the Board of Control to print hereafter a stated number of copies of each biennial report by the first of each December next preceding a session of the Legislature, such printing to be done in the territory, by the lowest bidder. Such a law would not only cause a great saving in the cost of printing but would in reality provide official information for the benefit of the Legislature and the public, as the law in fact contemplates."

22 Jan. '07, p.66-67

- b** **Fla. Broward.** "... I wish to say that, in my opinion, it would be advisable to have the period for which these various reports [of the departments of the state government] are to be made close on the 30th of June, or such other date of the year previous to the meeting of the Legislature as will permit of the compilation, printing and distribution, in order that the reports might be in the hands of the legislators before convening for their consideration. . ."

2 Apr. '07, p.1-2

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Salaries. Fees

- a** **Ala. Jelks.** "... I suggest you appoint a committee to harmonize the salaries of the executive officers and clerks. Many

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of them are high enough, perhaps, but the inequality in the salaries of officers and clerks in this building, and in some cases the insufficiency of such salaries, is most glaring."

8 Jan. '07. p.26

- b Cal. Pardee.** "On several occasions I have called attention to the totally inadequate salaries paid to state officials. Even the Governor, with \$6000 per year, a house to live in and \$2500 per year toward its support, and traveling and other funds at his disposal, is unable to make both financial ends meet. But a State Treasurer, whose bond alone is \$100,000 and costs \$300 per annum, is paid but \$250 a month as recompense for the great responsibilities he has to assume. The Secretary of State, with the many and varied duties of his most important office, is also paid but \$250 per month. The State Comptroller, also a very important and necessary official, receives a like salary of only \$250 per month. The Attorney General, the legal counselor and adviser of the state, with its vast and multifarious interests, is paid, like all the others, only \$250 per month. So, also are the State Superintendent of Public Instruction, the head of our great public school system, and the Surveyor General. In private businesses, much smaller than that of the state of California, similar positions are accompanied by salaries twice, even thrice, as great.

I desire, also, to call the attention of the Legislature to the fact that it is already very difficult, and rapidly becoming impossible, to secure and retain efficient skilled, or even unskilled, help at the hospitals and other state institutions. When the mechanic, even the unskilled laborer, receives, at private employment, three, four, five, six, and eight dollars per day, the state can not expect to retain the services of skilled and competent persons for one, two, or three dollars per day. I therefore recommend that sufficient money be appropriated to secure, at the state institutions, by means of better pay, the willing services of skilled and competent employees."

7 Jan. '07

- c Col. Buchtel.** ". . . The first step to a proper handling of all these [penal, reformatory and benevolent] institutions is to provide that no salary shall be paid to any member of any board of control of any state institution. . ."

8 Jan. '07, p.29-30

- d Del. Lea.** "The salary system should be further extended so that every state and county officer be placed upon a salary basis. I submit to you the advisability of supplementing the work of the last session touching this subject by the enactment of a fee bill covering all the charges for every service to be rendered by state and county officers. A specific and definite sum should be fixed for every service rather than the present system of varying charges. . ."

1 Jan. '07, p.31

- e Nev. Sparks.** "Under conditions now prevailing, the high price of living and the frequent calls for charitable contributions to the needy, I believe that in justice the salaries of all the appointive

positions should be increased. It can truthfully be said that for competency in the discharge of duty the force can not be surpassed. The increase of business at this time is beyond all precedent, clerks and deputies being called upon frequently to work overtime to keep their files clear and daily duties performed. Considering that ability is a prerequisite in filling these positions, I am convinced that the service received by the state is not sufficiently rewarded. . . .” 21 Jan. '07, p.21-22

f N. C. Glenn. “The cost of living has so greatly increased that many employees, and some state officers, can not live on their salaries. The department employees, such as janitors, night watchmen, office boys, etc., have faithfully served the state, and I ask that their wages be increased at least 10 or 15%. I ask that the Governor's salary be fixed at \$6000, and that the Attorney General's and Superintendent of Public Instruction's salaries be increased. This increase will not affect the present officers, but their successors. I have tried to live economically, but my books will show that it has cost me at least \$1500 a year more than I have received to live in Raleigh. To be Governor is a great honor, and should be appreciated; but the salary ought not to be so low as to prohibit a man from holding the office, unless he uses his own means. I ask that this Legislature correct these wrongs, and not leave it to the next General Assembly that comes in with a new administration, for salaries can not be increased during an officer's term.” 9 Jan. '07, p.44

g S. C. Heyward. “With the continued growth of our state, it will be absolutely necessary that larger appropriations should be made for the conduct of its public affairs, and especially is this true in reference to the salaries paid to our state officers. Without exception, these salaries are totally inadequate for the services rendered, and are in no sense in keeping with the responsibilities devolving upon the incumbents. . . . Not only are state officials underpaid, but in most of our state offices the clerical force, furnished by the state, is entirely inadequate to perform the duties required by law. . . .” 8 Jan. '07, p.18

h Vt. Bell. “I believe it would benefit the service if all state commissioners were paid the same per diem. I so recommend.” 4 Oct. '06, p.11

i W. Va. Dawson. “There will be brought to your attention the matter of increased compensation for officers and employees of the state. The cost of living in the last few years has very greatly increased; the statement is made that it has increased in the last 10 years 55%, while the increase in wages has been but 15%. . . .” 8 Jan '07, p.78

j W. Va. Dawson. “Under the new tax laws the Assessor becomes the most important county officer, except possibly a member of the county court. . . . It is urgently important that the voters place in this office none but the best men obtainable.

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But the pay is very small. I can not think you will fail to give to this pressing necessity proper consideration. . ."

8 Jan. '07, p.78-79

k W. Va. Dawson. ". . . All county and other officers, so far as practicable, should be paid a salary and the fees collected and paid into the public treasury. . ."

8 Jan. '07, p.80-81

.n Wy. Brooks. ". . . Our laws now provide that all officers shall receive stipulated salaries which will be in full compensation for all services rendered. The practice of allowing the fees collected to become a part of the compensation of any officer or board, is not consistent with good government or in accordance with the provisions of our statutes; and under this head, the Auditor calls attention to various fees now collected, and suggests that in the future proper provision be made to turn these fees into the general fund. . ."

10 Jan. '07, p.13-14

38(9)

Tenure of office. Discipline

a Ind. Hanly. "The French Lick and West Baden cases, and the experience of the state in its efforts to remove the late Secretary of State, disclose the need of a well considered and effective statute for the removal of public officials who wilfully fail in the performance of the duties of their office or who are guilty of misfeasance or malfeasance therein. The present statute is believed to be invalid. . ."

10 Jan. '07, p.25

b Mon. Toole. "Suits have recently been brought by the Attorney General to recover profits alleged to have been made by certain officials upon public moneys. These suits are still pending and undetermined. . . Such legislation, civil and criminal, as may be found necessary to prevent a recurrence of alleged offenses of the character mentioned, and in aid of the plain purpose of the Constitution, should be promptly passed."

8 Jan. '07, p.7-8

40

Governor

See also 782, Executive mansion; 852, Governor's contingent fund

a Col. McDonald. ". . . It might not be amiss for me to give the Legislature my views as to the term of office of the Governor. I believe a constitutional amendment should be submitted to the people, providing a change in the tenure of office from two to four years, with a provision that he shall not be eligible for two consecutive terms. . ."

3 Jan. '07, p.17

b R. I. Higgins. "Under chapter 809 of the public laws passed January 29, 1901, the power of appointment is practically taken from the Governor and placed in the hands of the Senate. I recommend the repeal of that act so far as it takes from the Governor the power of appointment, and I recommend the restoration to him of full authority to make nominations and appointments subject to confirmation by the Senate. . ."

3 Jan. '07, p.15-16

STATE DEPARTMENTS

45

Veto

- a R. I. Higgins. "I also recommend most heartily your approval of a constitutional amendment which will give to the Governor the veto power. . . . Every state in the Union, except North Carolina and Rhode Island, has already conferred this power on its chief executive. . . . Had such power existed in the past, I believe much odious legislation now on our statute books would never have been passed. . . ." 3 Jan. '07, p.5-6

48

Lieutenant governor

- a W. Va. Dawson. Creation of the office of lieutenant governor. 8 Jan. '07, p.92

50

Attorney general

- a Ari. Kibbey. ". . . At present the salary of the Attorney General is absurdly inadequate. I recommend that you fix the salary of that office at \$2500 per year, with a proper allowance for printing briefs and for traveling expenses. The lack of such contingent appropriation has frequently put the territory to great disadvantage in litigation." 22 Jan. '07, p.64-65
- b Cal. Pardee. "I desire to commend to the Legislature for its special consideration the recommendation made by the Attorney General that authority be granted for the compilation and publication of a volume to be made up of the more important opinions written in the Attorney General's department during past years. . . ." 7 Jan. '07, p.55
- c Minn. Johnson. Increased force and contingent fund for the Attorney General's office. 9 Jan. '07, p.39-40
- d S. D. Elrod. "You ought by all means to submit to the people the question of increasing the Attorney General's salary. . . . The Attorney General ought to live here at the capital and be in his office regularly and daily to pass upon questions that are constantly arising in the different departments." 8 Jan. '07, p.43
- e Wy. Brooks. "The office of the Attorney General is rapidly developing into one of the most important in the state. His duties should be extended and his headquarters should be permanently located in the capitol building. In this rapidly developing state new questions requiring legal opinion are of almost daily occurrence, and opportunity should be given whereby officials and heads of departments can consult freely with the Attorney General. . . ." 10 Jan. '07, p.17-18

55

State examiner

- a Ari. Kibbey. ". . . I recommend that you amend the law so that in the event of the suspension of any county officer from office by the Governor when such officer has been reported by the Public Examiner for dishonesty in his accounts or other wilful or corrupt misconduct in office, the Public Examiner shall act

as custodian of the office and discharge its duties pending a new appointment by competent authority; and that there be a provision for a temporary appointment to be made pending the suspension, by the authority that is vested by law with power to fill vacancies, until proceedings can be had and concluded under the provisions of title II of our Penal Code for the removal of civil officers." 22 Jan. '07, p.61-63

b Col. McDonald. "The present Legislature should provide for a public examiner . . . whose duty it shall be to check up the different state institutions and departments, and to include cities and counties of the first and second class. . ." 3 Jan. '07, p.14

c Col. Buchtel. "The need is clearly apparent of a state examiner with a sufficient number of deputies to make it possible for him to keep track of the business of all financial institutions which handle public funds, and to have a constant surveillance of all state institutions which are sustained by the taxation of the people." 8 Jan. '07, p.29

d Ind. Hanly. ". . . The facts I bring to your attention have convinced me of the necessity of a law authorizing the Governor to appoint an executive accountant, whose duty it shall be to make frequent examinations of the accounts and books of the several administrative offices of the state and of the several state institutions, under executive direction. . ." 10 Jan. '07, p.12-18

e Minn. Johnson. ". . . The [Public Examiner's] Department ought to be given additional assistance in order that it may make more complete examinations of railway corporations and their books with a view of ascertainment whether or not they pay into the state treasury all of the taxes due the state of Minnesota under our gross earnings tax system. In this connection let me say that the department has been also very considerably handicapped when making investigations of these companies by the refusal of its officials to permit the department to have access to the general books, and to furnish documents and papers which might pertain to Minnesota business. All books and records of such companies should be open to inspection and review by a proper representative of the state. Provision should also be made in the statute whereby corporations or companies doing business in the state should preserve any and all books, documents, records, papers etc. relating to their business in so far as they pertain to the state. The department has also been handicapped in its efforts to adjust back taxes due the state on account of errors and omissions in reporting gross earnings, due to the fact that the records which would be evidence of the violation or infringement of the law had been destroyed. As the Revised Laws of 1905 provide for the waiving of the statute of limitation on the collection of any taxes due the state, I believe a law should be enacted which would compel such companies or corporations to preserve their records for at least ten years. . ." 9 Jan. '07, p.32

58 **Temporary boards and officers**

See also 59, Special investigations

- a **Vt. Bell.** "The Governor is frequently called upon to appoint delegates to represent the state at conferences and conventions of a general nature and of national importance. No provision is now made to defray the expense of such commissions. The state should make a reasonable appropriation to cover the necessary expense thus incurred, and not be obliged to depend upon the loyalty and public spirit of the persons designated to suitably represent us on such occasions." 4 Oct. '06, p.11-12

60 **State institutions**

See also 335, Corrections; 790, 863, Finance; 2140, Charities; 2220, Education

63 **Supervision and administration**

- a **Ct. Woodruff.** ". . . I deem it for the best interests of the state that all supplies and material used by state institutions should be bought by a purchasing agent who should serve under the direction of the State Comptroller. The duty of such purchasing agent should be to see that all goods that are purchased be of a standard quality and at the lowest market price bid upon proposals furnished by the state. . . I would in this connection add the suggestion that the insurance upon all state institutions and all state property should be placed in the hands of one official. . ." 9 Jan. '07, p.20-21
- b **Ind. Hanly.** ". . . Better service can be had if these boards [of state institutions] are composed of four members, not more than two of whom shall be of the same political party. There should be at least one woman on the board of every institution in which women are inmates. . . The duty of selecting superintendents should be devolved upon the boards, but their authority in this direction should end there. Each superintendent should have the right to select his own subordinates and be held responsible to the board for their conduct." 10 Jan. '07, p.42
- c **W. Va. Dawson.** "I have long thought we have too many boards of administration in this state. It is believed that we would secure a more efficient management of our various public institutions and economize in the cost of the government by either having one state board for their management, or by lessening the number of boards to three or four. In several states they have what is called a board of control for the management of all public institutions. This secures uniformity in wages of officers and employees and conditions, and is said to result in considerable saving in the purchasing of supplies. Such a board consists usually of five men, sometimes of only three. If it is thought, however, that one board of three or five men would not have the practical experience to deal with all the various institutions of the

state, that is, deal with the reformatory as well as the educational institutions, then I trust you will consider the propriety of placing all the educational institutions under one board. . . All the hospitals for the insane could be put under one board, the miners hospitals under another, and the penitentiary under another. The Reform School and the Girls' Industrial Home could be put with the educational institutions or under another board. . . I do not believe it is necessary to have separate treasurers of the boards of our public institutions, except probably the university. I recommend that it be provided that the superintendent or principal of each institution in charge of a board of regents or of directors be constituted the treasurer of the funds of the institution, and that he be bonded in a surety company, the cost thereof to be paid by the state. . . These institutions make requisitions on the state treasury for moneys appropriated for their use, and these moneys are then usually deposited in local banks and the state loses the interest. As long as the money is in the state treasury it draws three per cent interest. The law should require all public funds, whether held by treasurers of public institutions or other public officers, to be deposited in banks designated for the purpose, interest to be paid by the banks, and such interest to go to the object for which the money was appropriated."

8 Jan. '07. p. 95-97

64

Examination and inspection

- a **Wash.** Mead. "I have recently invited leading citizens of the state to visit, inspect and report on the conduct of the various public institutions and departments. . . I recommend that hereafter visitations of this character be made regularly by members of the Legislature, between sessions, and that you provide by law for such visitations and appropriate a fund to pay the necessary actual traveling expenses of the visitors." 14 Jan. '07. p.14-16

65

Officers

- a **Neb.** Mickey. "The chief executive should have conferred upon him absolute authority and power to remove at will any institutional head appointed by him, and his action should not be subject to the review of any court or board. . . My experience teaches me that institutional friction would be reduced to a minimum if it were understood that the executive's order of removal was final. I recommend that the law be amended in conformity with the idea here set forth. . ." 3 Jan. '07. p.13
- b **Neb.** Sheldon. ". . . All the superintendents and heads of the different institutions that are appointed should be held responsible for their conduct and for the management of their institutions directly to the Governor. The laws of this state should be amended so that in case of mismanagement and misconduct the Governor may remove them summarily. . ." 3 Jan. '07. p.41

65

- c **N. D. Sarles.** "I believe the trustees of all the institutions in the state should receive the same per diem and the same expense money." 9 Jan. '07, p.7

67

Public documents. Printing

See also 2448, Municipalities

- a **Ind. Hanly.** Recommends general revision of printing law; discontinuance of documentary journal as being compilation of reports published in other form; reduction of number of ballots; separation of insurance and auditor's reports; increase in number of Supreme Court reports; classification of printing for letting bids. 10 Jan. '07, p.35-38
- b **N. M. Hagerman.** ". . . By a careful investigation of the many items contained in the Public Printer's report I find that the prices charged by him are greatly in excess of what the same work could have been done for elsewhere and if awarded by contract to the lowest responsible bidder. . . . If the Public Printer elected by the Legislature farms out the work to others, it is presumably necessary that both he and the party who actually does the work make a reasonable profit. There is absolutely no necessity that a greater profit should be paid by the territory than by the individual. Outside of certain large and rich states such as Kansas and California, which have their own printing establishments, there are very few states in the Union at present that do not let their printing contracts to the lowest bidder. The detail provisions under which this is done differs in different states, but the object to be obtained is the same, that is to say, to secure the best work for the lowest possible price. I am of the opinion that this might easily be done in the case of New Mexico, by the repeal of all the sections referred to above except section 2615, of the Compiled Laws of 1897. This would be the most simple way of adjusting this matter to the satisfaction of the taxpayers. If, however, it should not be your desire to adjust the question in this manner I would suggest that the present law be entirely repealed and another one enacted in its place which will in a feasible way bring about the desired result, and I would suggest that after careful study of the question the laws of New York and Colorado have many excellent provisions which would be of much use in the drawing up of such a bill." 21 Jan. '07, p.26-28
- c **N. D. Burke.** "I am informed that, since the passage of chapter 125 of the laws of 1899, the same being section 2382 of the Revised Codes of 1905, the county printing has cost 40% more than before the passage of such law. This you should inquire into, and, if found to be true, the law should be repealed, or you should enact a law fixing a maximum rate for public printing — fair and just compensation for the services rendered, and no more." 9 Jan. '07, p.6

67

- d **N. D. Sarles.** "I recommend the repeal of the law confining state and county printing within the state. The present provisions invite collusion detrimental to proper results, and, in my opinion, since the present law has been in force it has in consequence cost the state and counties many thousands of dollars in excess of legitimate cost." 9 Jan. '07, p.4
- e **Or. Chamberlain.** "Section 1 of article XII of the Constitution, providing for the election and compensation of the State Printer, was so amended at the last general election that the Legislature may now place that officer upon a salary. I earnestly recommend that this be done in the interest of economy. . . ." 16 Jan. '07, p.31
- f **S. D. Crawford.** ". . . For what it pays out for printing and binding in one year, the state could install a good printing and binding outfit of its own. By owning its own plant and by placing this work under the charge of a state printer and binder, the state could save thousands of dollars in the future and secure a better grade of work than it is now getting. Your attention is called to this matter as a subject for effective legislation." 8 Jan. '07, p.11
- g **W. Va. Dawson.** "I sympathize with the Secretary of State in his advocacy of a change in the laws concerning public printing, binding, and supplying printing paper and stationery, as he says that he knows nothing about printing. . . . He must necessarily leave the conduct of that important branch of the public service to a subordinate of his office, and he must sign requisitions for the payment of large sums of money without knowing whether they are correct or not. The superintendent of public printing ought to be a printer, and he should have charge of all the printing done by the contractor, including the printing of the reports of the Supreme Court of Appeals. . . . I see no reason why the Attorney General should have the burden of the printing of the Supreme Court reports. Having such, he is obliged to have a printing clerk in his office. It seems to me that the clerk of the Supreme Court of Appeals is the proper officer to prepare for publication and index the reports of that court, and when so prepared the printing and binding should be in charge of the superintendent of printing. . . ." 8 Jan. '07, p.86-87
- h **Wy. Brooks.** The various state pamphlets should be condensed and published as one. 10 Jan. '07, p.13

77

Legislature

See also 2, Statutes

79

Election. Number. Apportionment. Vacancies

See also 147, Minority representation

- a **Fla. Broward.** "The provisions of the law are not elastic enough to fit the conditions which may arise and call for special

79

elections under its provisions. The various time limits set in the law should be shortened, as vacancies may occur in the Legislature, for instance, so close to the session of the same as to prevent the filling of the vacancy in time for the member elected to participate in the work of that body." 2 Apr. '07, p.58-59

- b N. J. Stokes. Recommends constitutional amendment to provide for election of assemblymen by districts instead of by county.

8 Jan. '07, p.41-42

- c Wash. Mead. "I recommend . . . the division of the state into congressional districts." 14 Jan. '07, p.29

- d W. Va. Dawson. ". . . I am convinced that the membership of the state Senate is too small, and that the increase of its membership would be in the interest of the public good. This honorable body now consists of 30 members, whereof 16 is a quorum, and nine is a majority of a quorum. We see, therefore, that nine members may have the power to pass laws, and the power to refuse to agree with the conclusions of the more numerous branch of the Legislature, consisting of 86 members. The membership is too small for steadiness, that is, for safety. I have seen the Senate reverse itself on important matters within 12 hours. I should say that a membership of 50 or 60 would be about the proper proportion. In many respects the counties are units and have peculiar interests that ought to be particularly represented in the state Senate. As the delegates are chosen on population, it might be well to select the senators by counties. . ." 8 Jan. '07, p.89-90

80

Apportionment: general laws

- a Fla. Broward. New apportionment. 2 Apr. '07, p.59-60

- b N. Y. Hughes. Special message recommending reapportionment of Senate districts. 1 May '07

Same recommendation renewed. 24 June '07

Message to extra session convened to consider reapportionment.

8 July '07

- c N. D. Burke. ". . . At the time of the last apportionment our population was largely in the eastern part of the state, since which time the central and western parts of the state have increased in population, so as to be almost without representation in the legislative assembly, when compared with the legislative districts in the eastern part of the state. . . I recommend that the representation be equalized by cutting down the representation in the eastern part of the state, or wherever it may be necessary, and by increasing the representation in the western part of the state. . ." 9 Jan. '07, p.5-6

- d Or. Chamberlain. New apportionment of legislative districts; calls attention to unfairness of present apportionment.

16 Jan. '07, p.33-34

- e R. I. Higgins. ". . . A Constitution which gives to Providence, Pawtucket, Newport, Woonsocket, and Central Falls, with

a total population of 318,000 (nearly three fourths of the inhabitants of the entire state), only 5 out of 38 members in our Senate, can not possibly be defended from the standpoint of either governmental fairness or public morals. These five cities have no more representation in the Senate than the five smallest towns, with a population of only 4700. In the House, while the injustice is not so marked, it is still glaringly unfair. While paying about three fourths of the taxes of the whole state, the cities have only 31 out of 72 members in the House. . . . It is substantially a denial of a republican form of government to the state of Rhode Island. . . . The provision in our Constitution, therefore, which gives to every town and city, regardless of its population or wealth, equal representation in the Senate and its present inequitable representation in the House, ought to be amended at once. . . ."

3 Jan. '07, p.3-5

- f **Wy.** Brooks. "Another measure, also guaranteed in party platforms and provided by the Constitution, is the enactment of a just reapportionment law. The census of Wyoming, taken in 1905, by authority of law, shows some marked changes in the population of the state by counties, as compared with the census taken in 1900, by the general government. In Big Horn and Sheridan counties the population has doubled during the five years from 1900 to 1906. In the enactment of this law I question the advisability of materially increasing the number of members in our Legislature. Should this view of the subject meet the approval of a majority of this body, it will be necessary to reduce the representation from some counties and add to it from others. . . ."

10 Jan. '07, p.5

United States senators

- a **Ala.** Comer. "I recommend that you pass a resolution requesting our congressmen to favor an amendment to the federal Constitution, to have the federal senators elected by the people instead of by the Legislature, as at present."
- 15 Jan. '07, p.22
- b **Col.** McDonald. "There is a rapidly increasing sentiment in this country that United States senators should be elected by the direct vote of the people. . . . You can lend moral force to the movement by memorializing Congress to give the people the opportunity to pass judgment as to whether or not they desire the change. . . ."
- 3 Jan. '07, p.17-18
- c **Ind.** Hanly. Recommends action toward securing amendment of federal Constitution for election of senators by direct vote.
- 10 Jan. '07, p. 61-62
- d **Ia.** Cummins. ". . . I am profoundly convinced that senators of the United States should be elected by direct vote. . . . I strongly recommend the passage of a resolution that will be an application to Congress, under article V, of the Constitution of the United States, for the calling of a constitutional convention to propose amendments to the Constitution."
- 14 Jan. '07, p.16-18

LEGISLATURE

84

e **Mich. Warner.** “. . . While it is true that Michigan can not give effect to the principle thus enunciated, except by the concurrent action of her sister states, a result practically impossible of early attainment, she can accomplish substantially the same result by amending the primary law of the state so as to permit the people to nominate party candidates for United States senator by direct vote, the result of such vote to be thereafter certified by the Secretary of State to the Legislature when assembled for the purpose of electing a United States senator. . . .” 23 Apr. '07

f **N. J. Stokes.** “. . . The primary act could be amended so that at the primaries for the nomination of members of a Legislature who would at the next legislative session vote for a United States senator, every voter could indicate his choice for senator upon the primary ticket. This would be a direct mandate from the voters of each county to their representatives in the Legislature. . . . I recommend legislation to this end.”

8 Jan. '07, p.43-45

g **N. J. Stokes.** “The passage of a measure to enable the people to select United States senators at primaries is in accord with popular sentiment on this subject, and would enable the members of the Legislature to know the desires of their constituents in a way that would leave no ground for dispute. . . .”

18 June '07, p.6

h **Or. Chamberlain.** “The provisions of the direct primary nominating law, with respect to the election of a United States senator should be carried out in letter and in spirit. At the last primary election Mr Frederick W. Mulkey received the nomination of the Republican party for senator for the short term, and Mr Jonathan Bourne for the long term, while Mr John M. Gearin received the nomination of the Democratic party. At the election held later, Mr Mulkey received the highest number of the votes cast for the short term and Mr Bourne for the long term, whilst a majority of the members elect (Democratic and Republican) of the Legislature pledged themselves to vote for the choice of the people for senator. But whether they did or not, the people have expressed their choice for the important office, and their wishes should be respected and obeyed, and the gentlemen who have been nominated by the people ought to be elected unanimously, for the short and the long term respectively. . . .”

16 Jan. '07, p.3-4

85

Overlegislation

a **Del. Lea.** “In the exercise of your duties as legislators permit me to caution you against the evil consequences of ill considered and poorly drafted measures. Past experience should assist you. It is not the quantity but the quality of measures enacted by you which will give this session character and bring to you honor and credit. Too much legislation works a greater evil upon the people than the failure to pass any.”

1 Jan. '07, p.25

85

- b** N. H. Floyd. "New Hampshire needs few new laws, and none should be enacted unless it is shown beyond reasonable doubt that they are needed. She can afford few new expenses and none should be authorized that will not be clearly for the benefit of the state as a whole. Hasty legislation is full of danger and should be avoided. Those who want the public money will not fail to present their cases. It is for us to protect the taxpayers. Every dollar that we vote out of the treasury somebody must put in."

3 Jan. '07, p.21

88

Special laws

See also 110, Legislative procedure

- a** Vt. Proctor. ". . . This kind of [special] legislation is wrong in principle and always dangerous. It unnecessarily takes the time of the Legislature, encumbers our statutes, and is more likely to do real injustice than to be of any actual benefit. You should, therefore, scrutinize most carefully all special legislation. In almost every case relief, if really needed, can be obtained under the general law. There is also a tendency to seek legislation general in its character but special in purpose to fit some particular case which has arisen or is anticipated. This is even more dangerous, for though it may cover the particular case in mind, which may be entirely worthy and meritorious, it is often wholly unsuitable for general application. . . ."

4 Oct. '06, p.14

90

Members of Legislature

- a** W. Va. Dawson. "The compensation of members of the Legislature is very inadequate. It ought in justice to be increased. Members should be paid a yearly salary, and not a per diem compensation. A poor man ought not to be debarred from serving the people in the office of senator or delegate or any other office because of inadequate compensation. . . ."

8 Jan. '07, p.78

95

Internal organization

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Lobbying

- a** Ala. Comer. ". . . I recommend the enactment of a law requiring any and all employed agents, attorneys or representatives for special interests, who desire to present their views, or views of their principals or clients in regard to pending or anticipated legislation, to register in special books, to be kept by the clerk of the House of Representatives and by the clerk of the Senate for that purpose, which book or books shall at all times be kept open to inspection by any person. . . ."
- b** Ala. Comer. ". . . The protection of the best interest of the state demands at your hand an antilobby law." 9 July '07, p.17
- c** Ark. Little. ". . . I urge upon you the necessity of enacting drastic legislation looking to the regulation of the methods and practices of those who seek to represent matters of legisla-

15 Jan. '07, p.10-11

tion to be acted upon by you. Any cause that is just can be maintained in the open, before the proper committees and by the publication of arguments in print and openly distributed. Agents, attorneys or representatives of private or corporate interests for compensation, should be restricted to these methods, and required to make themselves and their business known by proper registration. The lobbyist should be excluded from the privileges of the floor of either house at all times when in session, and these laws when enacted should carry with them sufficient penalties to compel their observance. . . .” 18 Jan. '07, p.4

d **Del. Lea.** “. . . . Firmly convinced that the fullest and freest public discussion before either or both branches of the General Assembly, or any committee thereof, by individuals or representatives of interests affected, or claimed to be affected, in any manner by proposed legislation, should be accorded, yet I am of the opinion that it is wise to adopt, and therefore suggest for your consideration and enactment, proper and adequate legislation upon the subject which will safeguard the General Assembly from improper influences.” 1 Jan. '07, p.24-25

e **Fla. Broward.** “. . . . I would, therefore, recommend the immediate passage, under suspension of the rules, if necessary, of a statute requiring that all persons desiring to present any matters to the Legislature or to the members thereof should be registered with the secretary or clerk of either house, and should state their interests and the bills, claims, resolutions or reports in which they are interested, and what interests or persons they represent, and in what capacity. And further, that a reward of not less than \$1000, one half to go to the informer, be offered for the conviction of any person or persons who directly or otherwise, by bribery or attempt to bribe, or by any other improper method or means whatsoever, influence or attempt to influence the vote or action of any member of the Legislature or any attaché or employee of either branch, and that a like sum be offered for the arrest, trial and conviction of any member who has either accepted or offered to accept any money or thing of value or benefit to influence his vote or action upon any matter upon which it becomes his duty to act as a legislator. Equally as reprehensible as the lobbyist is the legislator who introduces of his own motion, or at the request of others, measures which are not intended to become laws, but are used merely for the purpose of ‘grafting,’ that is, for the purpose of obtaining pay for their defeat. . . .”

2 Apr. '07, p.57-58

f **Ga. Smith.** “I believe that you will pass legislation to make it a crime for any attorney or agent, hired to support or oppose legislation, to discuss his client’s interest in the presence of those who are to vote upon it, except where that discussion is at a public hearing, or with members of the Legislature officially named for conference. . . .” 29 June '07, p.4-5

yy

g Ind. Hanly. Recommends passage of act, similar to that of New York, regulating lobbying. 10 Jan. '07, p.54-56

h Mich. Warner. ". . . The Legislature should always be willing to grant public hearings to and receive petitions from all who may be interested in measures under consideration, whether these persons represent public or private interests. Aside from these hearings there should be no place, either in the legislative halls, the committee rooms or the lobby, for the professional lobbyist. His rights should be simply those enjoyed by the humblest citizen of the state. The professional lobbyist has no proper place in legislation and the sooner he is eliminated therefrom the better not only for the public but for the special interests by which he is employed. . . In my judgment, the practice of heads of state institutions, departments and members of state boards of appearing in the role of lobbyists in behalf of appropriations for their respective institutions, boards and departments, is an unseemly one and should be abandoned. . ." 3 Jan. '07, p.25

i Minn. Johnson. ". . . While it will be impossible, perhaps, to totally prevent the lobbyist from intrusion, it could be accomplished to some extent by compelling corporations and individuals interested in legislation to register, and be required to submit all arguments to committees instead of to individuals."

9 Jan. '07, p.56

j Mo. Folk. ". . . I recommend the enactment of a law making it a crime for any one for compensation to lobby with the members of the Legislature. All persons, of course, should be permitted to appear before committees and make arguments for or against measures in the regular and open way. Any person should also be permitted to file printed arguments or briefs with members of the Legislature. But in order that publicity may be given to what is going on it should be provided that copies of the printed arguments or briefs be filed in the office of the Secretary of State and subject to public inspection. The sunlight of publicity is the greatest preventative of corruption. . ." 2 Jan. '07, p.12-13

k Neb. Mickey. ". . . I suggest that the public interest requires that you adopt a rule early in the session which will protect the legislative chambers and halls from the influence of the lobby, under penalty, and that the rule be rigidly enforced. Heads of state institutions, educational and otherwise, should be included in the restrictions and should not be permitted to importune for appropriations save in the committee room. In order that all interests shall receive careful consideration the appropriations and claims committees should hold public sessions and all persons having matters to present should be invited to appear at stated times and make argument and submit data pertinent to the cause they wish to serve, and they should be heard at no other time save in this public way. . ." 3 Jan. '07, p.9-10

LEGISLATURE

99

n **Neb. Sheldon.** “. . . The presence of any kind of professional lobbyists is neither needed nor desired. The corporation lobbyists are usually men of high integrity and sobriety, men of large experience in their line of work, congenial, clever men who, by their persistent and able efforts, are able to accomplish much for the interests they represent. . . It is to be hoped, therefore, that there will be passed . . . a law that will prohibit professional lobbying.” 3 Jan. '07, p.41

p **Neb. Sheldon.** Stringent antilobby law. 13 Mar. '07

q **N. H. Floyd.** “The right of petition and the privilege of presenting to legislative committees, personally or by attorney, any case in which a citizen is interested, can not be denied or abridged, but any combination known as a lobby, formed for the purpose of passing or defeating for pay legislative measures, regardless of their merits, or for blackmailing those whose interests are threatened by the introduction of bills for the purpose of extorting money as the price of having the bills killed, is a menace that should to the fullest extent possible be abated. I know of no better method of suppressing an evil than by turning the light upon it. Publicity can be trusted to prevent most serious mistakes in lawmaking. No Legislature is likely to pass a bad act or defeat a good one that is thoroughly discussed and understood by the members and their constituents. For this reason the lobby works by stealth and succeeds only when its operations are known to but few. If in your wisdom you can frame a statute which will protect the Legislature and the public from such unscrupulous and improper influences, I shall gladly give it my approval.”

3 Jan. '07, p.18-19

r **N. J. Stokes.** “. . . The lobby is self-appointed, the Legislature is selected by the people. While affording every one the right to be heard upon any legislative question, the accredited representatives of the people should take pains to see that there is no intermediary of whatever kind placed between themselves and the people whom they properly represent.” 18 June '07, p.19-20

s **N. C. Glenn.** “I recommend that you exclude from your floors all lobbyists. They retard legislation and are often a menace to the enactment of good laws, or the repeal of bad ones. When you need the heads of the various state departments and institutions, send for them to appear before your committees to give such information as they possess, and then let them return to their duties, unless you request them to stay. I know you will allow all persons to be heard before your committees, both for or against any pending legislation in which they are interested. . . .” 9 Jan. '07, p.45

t **Or. Chamberlain.** “. . . The most dangerous men around the legislative body are the professional lobbyists, and their existence there ought to be made impossible. They should be driven out of the legislative halls as were the money changers from the

temple; and the first step in this direction is the enactment of a statute making it a felony to appear here for any purpose connected with pending legislation, unless that purpose is disclosed to the Executive or to the Legislature in open session, and the time for making such disclosure should be limited to one day between arrival and departure. Section 1894 of Bellinger and Cotton's Code is intended to prevent the nefarious work of the lobbyist, but is a delusion and a snare. I earnestly recommend its repeal and the enactment of a statute which will forever put an end to a disgraceful business, which in times past has been a stench in the nostrils of all decent men." 16 Jan. '07, p.26-27

- u **R. I. Higgins.** "I would also recommend a stringent law on the subject of lobbying, a law similar to that adopted in Massachusetts several years ago. The evils of lobbying have been practiced in Rhode Island to a disgraceful extent. The difference between lobbying in other states and that in our commonwealth is that in such other states the corrupt work has been done by many lobbyists, while here it has been reduced not only to a fine art, but to an exclusive and oppressive monopoly. One man alone does practically all the lobbying in the Rhode Island Legislature. And to facilitate the carrying on of his corrupt practice, in past years he has been established permanently with full equipment in the high sheriff's office, within this very state capital. This is a condition of affairs which has been tolerated as long as it should be. The welfare of our state peremptorily demands vigorous and prompt action on this matter, action which will result in keeping from within these walls lobbyists like the one above described — one declared by my respected predecessor to be a menace to the state of Rhode Island."

3 Jan. '07, p.11

- v **S. D. Crawford.** "The Legislature of the state of Wisconsin enacted an excellent law two years ago defining the rights and limitations of persons desiring to be heard upon measures pending before the Legislature of that state and prescribing penalties for violations thereof. Governor Folk of Missouri has recently recommended identically the same measure to the Legislature of that state, and I am pleased to recommend the same measure to you. This act makes it unlawful for any person employed for a pecuniary consideration to attempt personally and directly to influence any member of the Legislature to vote for or against any measure pending therein otherwise than by appearing before the regular committees thereof when in session, or by newspaper publications, or by public addresses, or by written or printed statements, arguments, or briefs, delivered to each member of the Legislature, provided, that before delivering such statement, argument or brief, 25 copies thereof shall be first deposited with the Secretary of State. All persons appearing for private or special interests, or for public service corporations, must first register, giving their

names and addresses and the name of their employer. No officer, agent, appointee, or employee in the service of the state is permitted to use his influence with a member of the Legislature to vote for or against any measure pending therein affecting his pecuniary interest except in the same open and public manner. Persons appearing for special interests for a pecuniary consideration whether ex-members of the Legislature or not, are not allowed to go upon the floor of either house reserved for the members thereof, except upon the invitation of such house. The violation of the act is made a misdemeanor punishable by imprisonment in the county jail not exceeding six months, and by a fine not exceeding two hundred dollars. . . ." 8 Jan. '07, p.18-20

w Tex. Campbell. ". . . I most earnestly recommend the immediate passage, with the emergency clause, so that the present Legislature and the people may have the immediate benefit of it, of a measure which shall make it unlawful for any persons other than the members of the Legislature or the Governor of the state to attempt to influence any legislator in voting upon any question, or to vote for or against any measure, otherwise than by appearing before a committee when in session, by newspaper publication, public addresses, written or printed petitions, statements, arguments or briefs, and a specified number of copies of said petitions, statements, arguments or briefs, shall be first filed with the Secretary of State subject to public inspection; and, further, that no officer, employee or agent of the state or of the United States shall attempt, directly or indirectly, to influence a member of the Legislature in voting upon any question or to vote for or against any measure affecting the pecuniary interest of such person except in the manner suggested above. As is well known to all who have witnessed or participated in the proceedings of the Legislature while in session, one of the chief embarrassments and impediments to the orderly and easy dispatch of business is the presence upon the floor of the two houses of great numbers of lobbyists, visitors and sightseers, whose movements and conversations create such disturbance and confusion as to materially interrupt and retard business. In the construction of the Capitol these persons have been amply provided for at a great expense by extensive and comfortable galleries, which, under the present practice, have rarely an occupant. I, therefore, recommend to you that by the same measure it be made unlawful for any person other than members of the Legislature, state officials, employees and officers of both houses and duly accredited representatives of the press, to go upon the floor of the Senate Chamber or House of Representatives while the Legislature is in session. Infractions of the law should be made punishable by both fine and imprisonment." 16 Jan. '07, p.5-6

x Wash. Mead. "The subject of proposed legislation in many instances is so intricate that a lawmaking body is generously dis-

99

posed to welcome those who offer information for its guidance. Representatives of the people attending sessions of this body are always given a fair and considerate hearing. There is, however, a distinction between advice of this nature and that offered by those known as professional lobbyists. Their corrupting influence is one of the patent public evils that demands restriction. Their intrigues, always in opposition to the highest and best interests of the commonwealth, should be made as odious as treason."

14 Jan. '07, p.38-39

y W. Va. Dawson. Registration of lobbyists. 8 Jan. '07, p.88-89

100

Officers and employees

a Ct. Woodruff. "Another subject which touches the pocket nerve of many who during the session come to be closely associated with members of the Legislature is that of gratuities. They are pretty well paid for the services they render to the state during the session. And I raise the question for your own determination whether previous General Assemblies did wisely in granting gratuities to Capitol employees in addition to their salaries and to others who are not employees. . ."

9 Jan. '07, p.22

b W. Va. Dawson. ". . . In this matter you have my sympathy, from experience as a member of your honorable body and from information gained otherwise. You, gentlemen, are the victims of circumstances. The pressure for places is very great, and there are not enough to go round to all the deserving. There are not enough places so that one can be given to each county. The members of the victorious party in an election expect their representatives in the Legislature to take care of the 'boys who do the work.' There is no way to do that except to create places not needed. As long as you can do this you will be under compulsion to do it. The only effectual way to stop it is to put it beyond your power to do it. This can be done by proper legislation. You can pass a law prescribing the number of employees and their compensation, including the officers as well as the clerks and other attachés. You can alter the rules of your houses to conform to the law, and you can prohibit the payment of money out of the treasury by the Auditor and the Treasurer in excess of the amount that the law prescribes. Unless you do this I think the evil will grow, and my observation is that you will not accomplish this by the passing of resolutions at the beginning of the session declaring that you will not add to the number of employees or increase their compensation. . ."

8 Jan. '07, p.90-91

103

Supplies

a Ct. Woodruff. "The previous experiences of General Assemblies make me feel it my duty to call attention to certain extravagances that have grown from small beginnings. . . For

103

the last General Assembly there was expended under the head of stationery, looming big among which are the knife and fountain pen items, the sum of \$15,513.81. I would recommend that all supplies be procured by each member through the office of the Comptroller and that the Comptroller be authorized to purchase such supplies, as provided by the General Statutes § 123."

9 Jan. '07, p.22

- b Del. Lea.** ". . . I regard the necessity for reform in the methods of distribution of supplies for the General Assembly an imperative duty. . . I recommend that the State Librarian be made the custodian and dispenser of all supplies, who should be authorized to deliver to any state officer any supplies in hand upon the delivery to said librarian the cost value thereof, or a contingent fund warrant therefor; and who should be directed to open an account with each member of the General Assembly, credit such account with the sum of \$25 as provided by the Constitution and charge all supplies furnished every such member of the General Assembly pursuant to a proper voucher, provided the aggregate shall not exceed said constitutional limit."

1 Jan. '07, p.14-15

105

Legislative procedure

- a Ill. Deneen.** "I call the attention of the General Assembly to a custom which imposes upon the Executive Department an unnecessary burden—I refer to the custom of the passing of a large number of bills late in the legislative session. As far as possible, bills should be passed in time to afford ample opportunity to examine them, so that if any defects are found in matters of form, they will not be found too late to be remedied. The earlier passage of appropriation bills, moreover, is of special importance. It is the custom to pass this class of bills and the rate law requiring the Governor, Auditor and Treasurer to fix the rate of taxation which will produce the amount appropriated, during the last two or three days of the session. As there is doubtful authority for making the rate lower than as provided by statute, the result of this delay is that, in the event appropriations are vetoed, an amount is collected beyond the requirements of the state. 236 bills were passed by the 44th General Assembly. Of these, 25 were presented to me during the session and 211 after its adjournment. Many of the bills did not actually come to me until four days after adjournment. The consideration of so many bills in so short a time is too severe a tax on physical strength. Had sickness intervened, a large part of the work of the Legislature might not have received the consideration of the Executive Department, as provided for by the Constitution."

9 Jan. '07. p.46

- b Neb. Mickey.** "I believe the public interests will be best subserved if all bills affecting the more important matters of legislation could be formulated and introduced by a joint committee

105

of the two houses. . . Any other course is likely to result in a multiplicity of bills upon the same subject, a divided support, and either no legislation at all or the final adoption of a faulty measure."

3 Jan. '07, p.18-19

c **Vt.** Bell. "A committee was appointed at the last session to revise the rules of procedure of the Senate and House. This committee visited the Legislatures of several nearby states and has prepared its report. While the changes suggested are not numerous, they are important, and I recommend their adoption as the working rules of this General Assembly, as I believe by so doing the business of the session can be more carefully, speedily and intelligently transacted."

4 Oct. '06, p.7

d **Wash.** Mead. ". . . If this Legislature should begin its actual labors at once, and, by strict application to duty and prompt attendance at committee meetings, do all the business possible during the first half of the session, every bill would have a fair and intelligent consideration and every member would be better satisfied at the end than if his measures had been arbitrarily shelved by a 'sifting' committee. . . In my judgment you can in no better way serve the people by whom you have been elected than to be careful as to what laws are passed and in seeing that those that do pass are in proper form and free from constitutional objections. . ."

14 Jan. '07, p.39-40

e **W. Va.** Dawson. "The last Legislature adopted a joint resolution authorizing the Governor to contract with some capable attorney for 5000 copies of the fifth edition of the code at the price of \$4.20 per copy, aggregating \$21,000. . . I did not feel obligated to act under the joint resolution because I do not think the Legislature can enact a law in this way. The Constitution provides how laws shall be enacted — through what processes a bill shall pass before it becomes a law. If the Legislature can enact laws by the passage of joint resolutions, which do not have to go through the processes required for the passage of a bill, then the restrictions and safeguards placed in the Constitution concerning the passage of laws would be an absurdity. I venture to say that heretofore there has not been proper consideration of the restricted office of a joint resolution under our Constitution. Joint resolutions in the Congress of the United States seem to have the same force and effect as laws otherwise passed; this is because there is no provision in the federal Constitution similar to that in ours; and besides all joint resolutions passed by Congress of a general nature are submitted to the President for his approval."

8 Jan. '07, p.84-85

106

Bills

108

Enrolling. Engrossing. Printing

a **Wash.** Mead. "The present system of enrolling bills which have passed both branches of the Legislature is cumbersome and

LEGISLATURE

unsatisfactory. The services of the State Printer may be profitably substituted for the labor of the enrolling clerk in the preparation of the enrolled bill. In its printed form its permanency is assured and the possibilities for inaccuracies lessened. If the type used in printing the bills for enrolment was preserved, and the form of the enrolled bills made to conform to the form of the session laws now in use, more than a month's time could be saved in the preparation and delivery of the session laws following the close of the session of the Legislature." 14 Jan. '07, p.36

110

Local and private legislation

See also 88, Special laws; 2433, Municipalities

- a** N. J. Stokes. ". . . A clearer line of distinction should be drawn between state and municipal legislation. The raising of the salaries of municipal officers by the Legislature of the state is not commendable in practice or in theory. The responsibility for such increase should be borne by the local authorities themselves. Legislative action for the building of a fire house in any city would seem to be an unnecessary restriction by the state upon municipal needs. If the municipalities were given such legislative authority as would enable them to regulate all matters of local administration, while the state reserved its proper function of providing general methods for the conduct of such business, and at the same time exercised necessary supervision, the distinction between state and municipal legislation would be more clearly defined and the responsibilities of each more easily determined. Economy and better business methods in municipal affairs will be subserved by greater local autonomy. . . ." 8 Jan. '07, p.46-48

- b** Tenn. Patterson. ". . . One of the prime causes which has prevented matured action on important public questions by you, and by other Legislatures, has been the flood of local bills affecting only a few people, and which have crowded out of place measures which concern all the people of the state. Some remedy must be found for this, and applied, for if the practice continues, we shall soon have every county in the state operating under different laws to the confusion of the people and the perversion of proper legislative functions. . . ." 1 Apr. '07, p.1

113

Sessions

- a** Ala. Comer. "Quadrennial sessions of the Legislature are too infrequent to meet the requirements of a rapidly developing and advancing state, and oftentimes too long delay relief much needed by the people. Fifty days for legislation for four years are too short a time in which to make proper investigation of conditions and acquire proper knowledge for the preparation of statutes neces-

113

sary for the care of the people. I recommend an amendment to the Constitution of Alabama providing for biennial sessions."

15 Jan. '07, p.21-22

- b Ala. Comer.** "I would suggest that you provide to have the people vote at the next election for an amendment to our Constitution which will provide for biennial sessions of the Legislature. Four years is a long time between the people and the lawmakers. It seems to me entirely too long to properly care for their safety and interests."

9 July '07, p.15

115

Direct legislation

- a Me. Cobb.** "The belief in the soundness and efficacy of the principle of the initiative and referendum as a means to enable the citizens to express more directly and promptly their opinion of proposed legislation has become very general in Maine, and has been recognized in the platforms of both political parties. We may safely assume, therefore, that these declarations were made in good faith, and I heartily approve the adoption of a measure that shall give them a practical and binding effect. The friends of the principle have a very clear knowledge of its meaning and purposes, and will vigorously oppose any effort that may be made to grant form at the expense of substance."
- 3 Jan. '07, p.11
- b Minn. Johnson.** ". . . The enactment of a law providing for an advisory initiative and referendum can be accomplished without a constitutional amendment, and I am firmly of the opinion that such legislation is desirable. There can be, I am sure, no valid reason against the submission to the people of a proposed constitutional amendment providing for a direct initiative and referendum. . . ."
- 9 Jan. '07, p.46-47
- c Mo. Folk.** ". . . I hope you will adopt a resolution for a constitutional amendment providing for the initiative and referendum in legislation. This will eliminate the incentive for corruption in legislative affairs, for the control will then rest with the people. By this system a certain number of the voters can, by petition, originate legislation, and legislation of a general nature will have to be voted on by the people before it becomes a law. No bill that can not stand the light of publicity should become a law. Wherever the initiative and referendum has been tried — and it has in Oregon and other states — the result has been most satisfactory. It puts an effective stop to bribery in legislative halls, for bribery of legislators would be useless where the people are the final arbiter of a measure. I regard this as of much importance in the final elimination of corruption, and the establishment of true representative government."
- 2 Jan. '07, p.39
- d Mon. Toole.** "At the last general election there was submitted to the qualified electors of the state a constitutional amendment relating to the legislative department and providing for direct legislation and reference of laws, at which election a majority of

ELECTIONS

115

all the votes cast for and against said amendment was in favor of said amendment, by which the same became and is a part of the Constitution of this state. Your attention is called to the last clause of section 2 of the act submitting said amendment, as follows: 'It shall be the duty of the Legislative Assembly to enact legislation suitable for carrying this amendment into effect.'"

8 Jan. '07, p.32

- e **N. D. Burke.** "There is a sentiment growing in this state in favor of direct legislation or what is commonly called the initiative and referendum. . . I am heartily in favor of it, as applied to legislative enactments and I recommend it to your most careful and conscientious consideration."

9 Jan. '07, p.11-12

116

Citizenship. Civil and political rights

118

Naturalization

- a **U. S. Roosevelt.** ". . . I recommend to the Congress that an act be passed specifically providing for the naturalization of Japanese who come here intending to become American citizens. . ."

3 Dec. '06, p.37

123

Indians

- a **Wy. Brooks.** "During the midsummer months of 1906 a band of renegade Indians from the White River reservation in the state of Utah made their appearance in Wyoming. . . Being the holders of allotments, made on their reservation in Utah, they claimed all the rights and privileges of citizens of the United States, but seemed absolutely unable to comprehend that that very citizenship carried with it certain grave responsibilities. . . As they were not our Indians, it was finally deemed advisable to call upon the President for federal troops to remove them from the state. . . The President took instant action upon my call for federal troops and the Indians were removed to Fort Meade. Some legislation is requested to prevent the recurrence of such disturbances. Possibly legislation authorizing the arrest and prosecution of armed bands of this character, as an unlawful assembly, might cover the point, still I would recommend that the Legislature, by resolution, memorialize Congress to take some appropriate action governing the civil status of Indians, who, by the mere incident of being allottees, are clothed with a citizenship, which their condition renders impossible to exercise in a responsible manner."

10 Jan. '07, p.8

126

Elections. Political parties

See also for term of office, vacancies etc. the various officers under state and local government

- a **N. M. Hagerman.** ". . . I recommend that a new and complete system of election laws be passed, incorporating therein

those features of the present system applicable and desirable, but proceeding step by step in logical order until and including the provisions of final count and issuance of certificates of election. I call special attention to the importance of having incorporated in this law provisions for impartial election boards. Under our present system the judges of election are appointed by the county commissioners. As a rule the members of the boards of county commissioners are all of one political party and in most instances they appoint judges of election of the same political faith. Undoubtedly a large majority of the judges so appointed are good and honest men, and perform their duties fairly; but the system is always unsatisfactory to the party not in power, and affords opportunity of abuse and dishonest elections, which may and do sometimes occur. I believe that this could be largely avoided, if provisions were made for the appointment of a judge by each, the board of county commissioners and the chairman of each of the two dominant political parties. Challengers at the polls should also be provided for by appointment by the county central committees of the several political parties."

21 Jan. '07, p.46-47

- b** **N. D. Burke.** ". . . One of the political parties recommended in its platform that the names of judges of the Supreme and District Courts, the name of the state superintendent and of the county superintendents of schools be placed upon the ballot without party designation and the election for such officers be held at a different time than that upon which the general election is held. The State Superintendent, in his recent biennial report, has made a similar recommendation in reference to county superintendents. The purpose of such a law would be to take the judiciary and the schools out of politics and no such position would then come to any one as a reward for political services, but rather on account of special fitness and qualifications, and believing, as I do, that the enactment of such a law is in the interests of both judiciary and the school, I therefore heartily recommend it to your most careful and conscientious consideration."

9 Jan. '07, p. 3-4

- c** **Tenn. Patterson.** ". . . But we are confronted by the Constitution in any serious attempt to reduce the number of elections for county and state elections as those are fixed at different dates. However, we can remedy some glaring defects, and this should be done at once.

1st. I recommend that the power to appoint commissioners of election be taken out of the Governor's hands, as being dangerous and arbitrary, involving the Governor in the disputes of the county factions and impairing his efficiency as an executive.

In lieu thereof, I recommend that the Legislature, in joint session, elect three commissioners to constitute a state board of election commissioners, one to be elected from each grand

ELECTIONS

division of the state. That the members of the board be paid a fixed salary and they be given all the power of appointment now conferred by law upon the Governor.

2d. I further recommend that the State Board of Commissioners shall be required to appoint as members of the county boards, men of good character, both householders and freeholders, who can both read and write, and who have been bona fide residents of the counties at least five years before their appointment.

This will insure the selection of men who are identified with the counties and the people, and will further insure the appointment of one minority representative who can properly represent the interests of his party.

3d. I further recommend that the election commissioners of the counties be also required to appoint a judge and clerk of election, men of good character, who can both read and write, who have been residents of the county for five years, so as to insure the appointment of competent election officers and to give the minority party bona fide representation at the polls.

4th. I recommend that the list of all judges and clerks of elections be required to be published at least ten days before every general election for the information of the voters and to further safeguard the purity of the ballot.

5th. I further recommend that some legislation be had looking to uniformity of county action in the selection of delegates and in party nominations so as to prevent undue advantages being taken of either the candidates or the people, and that all candidates for state offices be required to make a sworn statement of their election expenses.

All our election laws should be embraced in one act, so far as they relate to general election, and the practice of amending old laws should be discontinued.

It is safe to say that no one knows or can know the exact condition of these laws, and I recommend that a new law be enacted which will be precise in its terms and clear in its meanings, so that the present confusion and uncertainties will be obviated, and that all other laws in conflict with it be repealed.' 7 Jan. '07, p.12-14

Recommendation renewed.

1 Apr. '07, p.5-6

130

Property. Poll tax

131

Property

- a R. I. Higgins. "When the property qualification was placed in the state Constitution, it was argued that it would cause a tendency toward conservative and economical management of municipal affairs. If such an argument ever had any basis whatever, it has long since ceased to be apparent. I believe the present qualification is wrong, both in theory and practice. So far as theory is concerned, there is no reason why a registry voter should not have equal rights of suffrage with the property holder. If

the registry voter possesses sufficient intelligence and patriotism to vote for presidential electors, members of Congress, Governor, members of Legislature, mayor, and other important officers, it is difficult to see why he is not capable of voting for an alderman or councilman or on a proposition to impose a tax. No state in the Union, except Rhode Island, requires such a qualification. I believe the administration of cities of other states will compare favorably for economy and good government with the administration of some of our cities. The only present day result of the property qualification is the wholesale jugglery and manipulation of the personal property list. Hundreds of names are added to and taken from this list yearly by the assessors in the various cities. In 9 cases out of 10 the persons affected do not know they are placed on or taken from the personal property list at the time, and their taxes are paid for them by politicians interested in securing a city council which will do their bidding, while such taxes are raised usually from corporations seeking franchises and laws from the city council, or from officeholders desirous of securing, or perpetuating, themselves in public office. The vote of the bona fide real estate taxpayer is thus nullified by the manufactured, straw voter produced by the tax assessor. The property qualification disqualifies more than one half the voters in the cities of the state. It therefore directly sanctions the rule of the cities by a small minority — a principle utterly opposed to the best traditions of American government. The interest of the nonproperty or registry voter in good government is as great as that of the property voter, though it is of a different nature. He is interested in the schools, in public franchises, and other matters which affect the body politic, and the burdens of taxation, while not placed upon him directly, are borne equally by him. The history of our government shows also that we have steadily grown away for many years past from the property qualification for both officeholding and for voting. I, therefore, recommend your approval of an amendment to the Constitution abolishing this qualification.”

3 Jan. '07, p.6-8

132

Poll tax

- a Del. Lea. “The Constitution requires as a prerequisite payment of \$1 registration fee by each elector biennially. This registration fee has long been deemed an unwise tax upon the electorate of the state. I recommend the adoption at this session of the General Assembly the constitutional amendment proposed at the session of 1905 entitled ‘An act proposing an amendment to section 4 of article V, of the Constitution of this state by striking out of said section all thereof which requires the payment of money as a qualification to register. . . .’” 1 Jan. '07, p.15-16
- b N. M. Hagerman. Recommends provision for stricter collection of the poll tax. 21 Jan. '07, p.43

ELECTIONS

134

Nationality. Race

- a **Ga. Smith.** “. . . I favor an amendment to the Constitution of the state which will fix a new standard for the elective franchise. . . The proposed constitutional amendment is along the line of the Alabama law. . . If an attack is made upon the wisdom of recognizing the right of suffrage upon the theory of heredity, I would have you remember that heredity is no novel ground for participation in government. . .” 29 June '07, p.6-10

146

Women

- a **Kan. Hoch.** “Municipal suffrage, which has been enjoyed by the women of Kansas since 1887, has proven a success. The right should be extended. No argument worthy of the name has ever been made against the right of women as well as men to participate in government with equal rights at the polls, and no such argument, in my judgment, can be made. . . But whatever may be thought as to the wisdom of extending universal suffrage to women, certainly no fair man can deny that women property owners should have equal right with men to vote upon questions involving taxation of their property. The word ‘male’ has no place in a modern state constitution and should be stricken from ours.” 8 Jan. '07, p.24

149

Corrupt practices. Election offenses

- a **N. J. Stokes.** “. . . A penalty, such as that prescribed in the act of last year, that merely disfranchises for the first offense, and for the second imposes both disfranchisement and punishment, is more likely to eliminate bribery than severer penalties that can never be enforced. To this was added immunity of the informer for his own offense, so that the bribe giver or the bribe taker is now always in danger of being betrayed by his confederate. This provision makes bribe giving and bribe taking dangerous experiments, as it puts wrongdoers at the mercy of wrongdoers. . .” 8 Jan. '07, p.29-30
- b **W. Va. Dawson.** “. . . I recommend a complete revision of chapter 3 of the Code and the consolidation with it of the matter contained in chapter 5, concerning offenses against elections. . . This proposed bill reduced the penalties of our present law, which are entirely too stringent. Such excessive penalties is one reason why juries will not convict. At that time it was the judgment of the select committee of five that it would be better to leave the penalties to the jury, the law prescribing the minimum and the maximum, as it was thought that this would more likely result in convictions. But there is one feature to which I desire most strongly to call your attention, and that is the feature of the Ohio law, whereby indictment or prosecution for offenses against the election laws was limited to six months after the election. I recommend such a limitation, or at least not

over one year. This is very important if we are ever to enforce these laws. In all these matters we must look the facts squarely in the face and ascertain the exact condition. Now, it is a fact, known by all persons who have had any experience in the conduct of political campaigns, that men will do acts for a political party that they would not do under almost any other circumstances. For instance, a good and a law-abiding citizen is appointed to take charge of the polls of his party at a certain precinct. He accepts the position, and goes into the work without any idea of committing any crime, but he sees the workers of the opposite party buying votes and doing other illegal acts, and he sees that unless he does the same thing his party will be beaten at the polls placed in his charge; he does not want to be beaten; and therefore he 'fights the devil with fire.' As it is now that man's mouth is shut forever, for he is guilty of felony; and no matter how much he would desire to join in a movement to stop the practice he is deterred from doing so by the knowledge of his own guilt, for which he may be indicted and punished. Therefore, the importance of wiping off the slate clean at least once a year and starting in anew." 8 Jan. '07, p.55-57

150

Corrupt practices acts

All recommendations that candidates or committees be required to file statements of election expenses, and recommendations concerning miscellaneous election offenses are included under this head.

- a **Ala.** Comer. "I recommend the enactment of laws prohibiting all persons who may be hereafter employed for political purposes from engaging in the work of said employment until they shall first register their names in a book to be kept for that purpose in the probate office of the county or counties, in which they propose to work and state under oath by whom they are employed, and the compensation they are receiving or expect to receive for such employment." 15 Jan. '07, p.22
- b **Ct.** Woodruff. "This General Assembly will receive from the special commission raised by the last Legislature a comprehensive report upon suggested amendments to the corrupt practices act. I am in sympathy with the spirit of the recommendations that will be made upon that subject by the commission." 9 Jan. '07, p.19
- c **Ga.** Smith. ". . . Make it a crime for a corporation or special interest to contribute money to politics. Make it a crime to buy a voter or hire a striker at the polls. Place upon every candidate the duty of showing, under oath, a detailed statement of what he spent, how he spent it, and where the money came from. . . ." 29 June '07, p. 5-6
- d **Ia.** Cummins. ". . . I strongly recommend a law that will require not only political committees, but candidates for nomination and for election, to publish their expenditures." 14 Jan. '07, p.24

ELECTIONS

150

e **Mass.** Guild. "I renew my recommendation of last year relative to the extension of the corrupt practices act." 3 Jan. '07, p.6

f **Mich.** Warner. "There is nothing more essential to the welfare of our people than to preserve the purity of our elections and our primaries. The use of money today in politics, especially in securing nomination for office, is a serious question and, in my judgment, the time has come when all good citizens must stand together against it. There can be no middle ground. The spending of money to secure political preferment must be curtailed. We have come to regard it in altogether too charitable a manner. Too many party workers are offering their services for sale at and before the primaries and too many candidates are found entirely willing to buy or in apparent self-defense are forced to buy. I would especially urge upon the Legislature the necessity of passing most stringent laws against the use of money by candidates or by corporations or individuals in their interest in paying for political services performed either at or before the primaries. The hired political worker should be driven out of employment. The business of selling political influence should be made so hazardous that few will have the temerity to offer it for sale. The Legislature should enact a law defining the legitimate purposes for which money may be spent and limiting the scope for which money may be used either at or before the primaries. I would also urge upon the Legislature to consider the advisability of requiring candidates, especially for such high offices as governor, lieutenant governor, United States senators and members of Congress, to file with some proper official authority itemized statements, made under oath, of all expenditures incurred in connection with primary elections, said statement showing to whom and in what sums money has been paid, by whom and for what purpose. . . ." 23 Apr. '07

g **N. J.** Stokes. Recommendation of 1905 for a corrupt practices act renewed. 8 Jan. '07, p.29

h **N. Y.** Hughes. "The laws relating to corrupt practices should be reinforced by amendment as experience reveals defects. . . . The value of this legislation is principally found in the means provided for the scrutiny of the statements filed, and the provision permitting private individuals to institute a legal inquiry for this purpose is a very important advance toward the desired end. This right of investigation should be conserved and made as effective as possible. I recommend that the law be amended by imposing a limitation upon the amount that may be expended by a candidate to procure his election." 2 Jan. '07, p.12-13

i **N. Y.** Hughes. Recommends amendment of corrupt practices act of 1906 so as to render it more effective. 4 June '07

j **Or.** Chamberlain. ". . . Committees, candidates and agents should be compelled to publish under oath itemized statements of receipts and disbursements in all political campaigns. Corpora-

tions should be forbidden to contribute at all, expenditures should be limited, and severe penalties denounced against all persons violating the law. Such a statute is particularly appropriate in this state under the direct primary nominating system, and ought to be made to apply both to primary and general elections. It would not only have the effect of purifying elections, but would place all candidates, rich and poor alike, on the same footing, both in seeking nominations and in the elections after nominations have been made." 16 Jan. '07, p.29

k **R. I. Higgins.** "I would suggest for your early consideration the passage of an act relating to corrupt practices in primaries, elections, legislation, etc. Massachusetts and Ohio have modern, fair, and approved laws on this subject. The laws in other states generally include provisions for full publicity, under oath, of all receipts and expenditures, directly or indirectly made by nominees, candidates, political committees, etc., with sources of such receipts; prohibition of all contributions from corporations for political purposes, or to any nominee, candidate or political party, or for the purpose of influencing legislation directly or indirectly; the fine and imprisonment of any agent or officer of a corporation knowing or permitting such contribution, and the forfeiting by such corporation of its right to do business in the state when the agent or officer acts with full knowledge of the corporation; stringent laws regarding bribery, with full immunity from punishment to persons furnishing evidence as to the bribery; strict prohibition of intimidation or undue influence of employees by employers, etc. I would recommend in such an act a provision forbidding any person to take or collect for political purposes any funds or contributions from municipal or state employees, laborers, etc., and one forbidding such employees to make such contributions." 3 Jan. '07, p.10-11

n **S. D. Crawford.** ". . . I most earnestly recommend that such a law [prohibiting corporations from making contributions for political purposes] be carefully drawn, considered and passed by this legislative session. . . The Legislature of Pennsylvania . . . by law limits the use of money in political campaigns by candidates and committees to the following: Printing, traveling expenses, and personal expenses incident thereto, stationery, postage, expressage, freight, telegraph and telephone messages, expenses for public political meetings, demonstrations and conventions; transportation of speakers, rent, maintenance and furnishing headquarters and halls, payment of clerks, stenographers, and messengers actually employed, for men at the polls to check off voters to and from the polls. Paying out money for any other purpose in connection with campaigns and elections is made a crime. All funds used for the purposes named must first go into the hands of a treasurer who must keep a complete record thereof, which must be kept open for inspection and within a given period

after the election, a specified, full, true and detailed account of all receipts and disbursements must be made by him under oath and filed with one of the public officers of the county or state. A similar law has been enacted in New York and in a number of other states and the dominant political party in this state has demanded the enactment of such a law here. The necessity for it has been emphasized by conditions which exist in the state, all demands by the legitimate successor of a preceding organization for an accounting for campaign funds being contemptuously disregarded."

8 Jan. '07, p.26-28

- p W. Va.** Dawson. ". . . Let the law prohibit the soliciting from any person who is a candidate, either for the nomination or for the election to any office, of any subscription or anything else of value; require every candidate to render a fully itemized statement of all contributions made by him to every object and purpose while a candidate; a statement of all persons who solicited from him any funds or anything else of value or any appointment or promise to appoint to office and the like; require every candidate either to appear before the grand jury and make a statement in this regard, or require him to file with his statement of expenditures the name of every person who made an unlawful solicitation to him. . . ."

8 Jan. '07, p.54-55

Corporation funds

- a Ala.** Comer. "The practice by corporations, whether public service corporations or corporations in private interest, of contributing to campaign funds or a political party or candidate is debauching, demoralizing and destructive to the best interest of the people. I suggest the enactment of laws prohibiting and preventing this, and also recommend the enactment of laws prohibiting and preventing the use of money by corporations directly, or indirectly, for the purpose of influencing any election, or any Legislature, or any officer of state, city or county. I urge stringent laws to eradicate this evil. I recommend the enactment of a law prohibiting corporations from requiring or permitting their employees, servants or agents to work in political contests."

15 Jan. '07, p.11

- b Ia.** Cummins. ". . . First, the growing tendency to use money in political campaigns is subversive of the fundamental principles of good government, for it not only destroys purity of motive, but it overthrows the safety which is always found in individual and independent action. Second, it is a plain theft from every stockholder who does not give his assent to the contribution, and the misappropriation is peculiarly obnoxious because it oftentimes puts the money of a stockholder at work for a candidate whose success the stockholder does not desire. Third, the practice gives to the corporation an influence in public affairs simply because of the money contributed—an influence which is

154

necessarily both selfish and vicious. Corporations should, of their own motion, rigorously exclude themselves from politics, and the most effective way in which to give them strength to resist temptation is to fix a penalty for participation, so severe that the honest course will be the most attractive one. I recommend, with all my earnestness, the enactment of a measure upon this subject that will stop, at once and forever, so odious a misuse of corporate property. . . ."
14 Jan. '07, p.23-24

c **Tex.** Campbell. "No corporation holding a charter or enjoying a permit to do business in this state should be permitted to divert its corporate funds to influence elections, to the corruption of the ballot box, or to the support of a lobby to influence legislation. . . ."
16 Jan. '07, p.6

d **U. S.** Roosevelt. "I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. . . ."
3 Dec. '06, p.1

Libel, see 472

160

Nominations. Parties

a **Ala.** Comer. ". . . I would suggest the enactment of statutes requiring the holding of a general primary the third Monday in August preceding a general election . . . and the cost of holding said primary shall be paid for by the state."
15 Jan. '07, p.22

b **Cal.** Gillett. "Should you deem it inadvisable to adopt the direct primary law, then I advise that our present primary law be amended so as to apply to the entire state, and also amended in other particulars which are necessary, but which need not be stated now. The primary law as it exists today is too cumbersome, and should be simplified."
9 Jan. '07, p.7

c **Ga.** Smith. ". . . Let us by legislative action fix the time for party primaries and surround them with safeguards which will guarantee in future an opportunity for the voters to select their officeholders, untrammelled by cunning devices."
29 June '07, p.10

d **Mich.** Warner. ". . . There is no sound reason why all nominations — state, congressional, legislative and county — should not be made on the same day. Every consideration of economy and expediency demands that this be done. . . ."
23 Apr. '07

e **Neb.** Sheldon. Primary election law.
13 Mar. '07

f **N. H.** Floyd. ". . . There is upon the statute books a law regulating political caucuses in cities of more than 12,000 inhabitants, and in other cities and towns that elect to adopt its provisions. . . . If this were extended so as to apply to all cities and towns of 5000 or more population, and to this were added a registration law requiring all voters to qualify by registration, and declaring their political affiliations, I think it would meet the

wishes of a great majority of our fellow citizens. The only serious defect in the present law, disclosed by its operation, being that it does not prevent unscrupulous men from invading and voting in caucuses of parties to which they are opposed and whose ticket they do not propose to support." Jan. '07, p.19-20

- g** N. M. Hagerman. "The feeling seems to be almost universal in New Mexico, that a system of primary elections should be provided for by this Legislature. . . It is a well known fact that under our present system, while the nominating conventions are supposed to emanate from the people, they are controlled by a few. This does not give the average voter a voice in the selection of nominees, which he should have, and which he would have under a fair system of voting in the primary elections."

21 Jan. '07, p.47

- h** N. Y. Hughes. ". . . It is claimed that notwithstanding these remedial statutes, there is no limitation upon the authority of political state conventions and state committees arbitrarily to exclude and expel honestly elected delegates and members, and that the fraudulent or corrupt action of the majority of such a convention or committee, no matter by what means such majority may have been obtained, can not be reviewed or corrected by the order or decree of any court or judge. If such dangerous practices are not forbidden by existing laws, and proper remedies do not exist for the correction of such serious abuses, it is time that statutes adequate for this purpose should be promptly enacted. The same policy which governs in the case of minor conventions and committees should apply to state organizations. Minorities should not be permitted to make themselves majorities by the arbitrary seizure of political organizations, nor through corruption or dishonest methods, and the courts should be vested with ample power to review in a summary manner all such abuses, and to restore to defrauded persons the political rights to which they are justly entitled. This is not a partizan matter, but it is one in which all who believe in fair play and honorable political methods are deeply interested. I submit it to your careful consideration."

2 Jan. '07, p.13-14

- i** R. I. Higgins. "Several years of experience with the present caucus law also shows the imperative need of its overhauling. I believe the Australian system should be adopted for caucuses, that the time limit of 14 months for taking part in caucuses of different parties or signing different nomination papers should be materially lessened, and that other equally important changes should be made. Strict measures ought to be adopted with regard to illegal voting, both at caucuses and at elections. . . ."

3 Jan. '07, p.9-10

- j** Vt. Proctor. ". . . I do not believe a primary election law is necessary in Vermont or that it would be acceptable to the people at this time. Some simpler method is all that is re-

160

quired, but to effectively prevent persons voting in caucuses where they do not belong there must be a registration for caucus purposes at some time before the caucus, and a sufficiently long time before so that the registration will not be made in the heat of a political contest. . . The most unsatisfactory feature connected with it is the manner in which a voter may announce his political preference. I would suggest such change in the language of the registration as will clearly not extend it beyond its necessary scope, which simply is that a person registering with any political party has an honest purpose to act with it as a loyal member thereof would ordinarily do. It should be considered also whether the method of taking the registration can be in any way simplified and made more acceptable. It is only in a small portion of Vermont where caucus abuses have occurred or are likely to occur. The caucus check list, therefore, should continue to be optional in its operation and should be used only when desired by a reasonable number of the voters in a town. . . ."

4 Oct. '06, p.10-11

- k** **W. Va.** Dawson. ". . . In the state there ought to be a supreme committee for each party, endowed by law with power to make all necessary reasonable rules, not contrary to law, for the conduct of the subordinate committees of that party. There should be a committee for each political subdivision for which nominations are made. Each committee should have, among other officers, a chairman, a secretary and a treasurer. The treasurer only should be allowed to solicit contributions. He should be required to keep an account of all such, and by whom given, and also of all expenditures, and after the election required to file with some public officer a statement of all moneys received and expended, from whom received, and to whom and for what purpose paid out."

8 Jan. '07, p.51-52

160(3)

Direct nominations

- a** **Ark.** Little. "The primary election for the nomination of party candidates, having become the settled policy of the Democratic party in the state, should be required to be held as a legal election on a uniform day throughout the state, and all the safeguards necessary to secure the full and fair expression of the voters participating therein should be provided. . . ."

18 Jan. '07, p.16

- b** **Cal.** Pardee. "By a general consensus of opinion, the time has arrived when the citizens of California should proceed to effect certain needed changes in the methods by which candidates for office are nominated; and since the primary election lies at the root thereof, it is quite natural that there should be a demand that the reform shall commence at that point. Thus we find both of the old parties pledged by their latest state platforms to

ELECTIONS

160(3

the inauguration of what is known as the direct primary. . .

There is little if any doubt that in its unmodified form the direct primary would be, at present, unconstitutional in California. . .

If the convention system is to be retained, as seemingly it must be until the Constitution is amended, the primary law should require the direct election by popular vote of all delegates to state and district, as well as county, conventions. . .

Direct popular election of delegates would do much to improve our nominating conventions by making them more representative, but at the same time equal care should be taken to secure representative committees to manage party affairs. I am of the opinion that state and county committees should never be named by or during conventions, but that the members should be chosen directly by the voters at the same time that delegates are elected. . .

To sum up, I have pointed out that the present method of making nominations in California is susceptible of marked improvement; that the direct election by the people of all delegates would be a long step in the right direction; that the Illinois primary law, which permits voters to vote for candidates as well as for delegates, might be added to our convention system with beneficial results, as might probably be done without constitutional amendment; that the reform of the party committee organization is also a necessity; that if it be decided not to attempt to reform the existing methods but to cast them aside and establish the direct primary in its full vigor, there is at least a fair probability that the new plan would be successful. . .” 7 Jan. '07, p.7-11

c Cal. Gillett. “. . . If you should decide in favor of a direct primary law, then the Constitution will have to be amended, because section 2½ of article 2 provides for a primary election for the purpose of choosing delegates to attend a convention for the purpose of nominating candidates, and the section will have to be amended so as to provide for the holding of a primary election for the purpose of electing party candidates to be voted for at a general election.” 9 Jan. '07, p.6-7

d Ct. Woodruff. “With regard to the recommendation for a direct primary system I would add that the report will be found to be radical. Let me urge that no hasty judgment be given, but that the most careful consideration of the recommendations be taken, and that they be weighed calmly and judicially. The subject is a vital one to our electoral system and action one way or the other should be taken only after the matter has been given the consideration that it demands.” 9 Jan. '07, p.19-20

e Id. Gooding. “. . . The people of Idaho, in my judgment, have a right to expect of this Legislature the passage of a direct primary election law, giving them an opportunity of nominating their candidates for both county and state officers, by direct vote. Anything less than this I am sure will be a great dis-

160(3

appointment to the people, and those responsible for the defeat of such a measure should and will be held accountable."

8 Jan. '07, p.24

f **Ind.** Hanly. "I recommend to your consideration the enactment of a primary election law which shall be simple in the method it provides and which shall require the nomination of all candidates for city and county offices, of every political party, and the selection of all delegates to any convention held by any political party for the purpose of nominating candidates for any public office, to be made by direct primaries." 10 Jan. '07, p.62

g **Ia.** Cummins. Recommends direct nominations.

14 Jan. '07, p. 24-25

h **Kan.** Hoch. ". . . I trust this Legislature will be able to solve the problem, and give the people of all parties an opportunity to select at a primary election the candidates for whom they will be asked to vote at a general election. They should also be permitted to express their preference for United States senator, an expression which a Legislature would hardly ignore. Let all the primaries be held the same day, and the ballot box guarded with all the sacred safeguards now thrown around the general election. I wish also to renew my suggestion, which I think entirely reasonable, that no one except a new voter be permitted to vote at a party primary unless he had voted that party ticket at the last general election. . . ." 8 Jan. '07, p.3

i **Me.** Cobb. "I also advocate and recommend a revision of the statutes governing the method of balloting for elective offices at the polls. Every reasonable facility should be furnished the voter to exercise his right of suffrage in secret and without fear or favor, and his desire and privilege to register his preference for any individual nominee or candidate should not be hampered or defeated by the importunities of a party organization. Party organization is both proper and essential, but it should be the servant of the voter, not his master. And this principle if admitted to be a correct one, should be applied to the regulation of the proceedings at primaries, so that every safeguard thrown about the final action of the voter at the polls may be at his disposal during all the preliminaries attending the selection of candidates." 3 Jan. '07, p.11-12

j **Mich.** Warner. ". . . Chief among the defects in the primary election law which its operation has pointed out is that both to the candidate and the public it is too expensive. That which made imperative the enactment of a primary election law two years ago was the sincere desire of our people for some change that would prevent the corrupt use of money in politics and, as far as possible, make unnecessary the use of money at all. While the new law properly and quite successfully stopped the corrupt use of money, it has not operated as its framers thought it would operate, to cut down the expense of a campaign for

ELECTIONS

160(3

nomination, but has rather aggravated that evil. The poor man ought not thus to be placed at a disadvantage in a contest with a man of means. The provision of the law requiring signatures to nomination blanks ought to be radically amended, making the minimum and maximum number of signatures required very small and very near together. At the outset it was deemed wise to provide one primary for the submission of the question of direct nominations and the nomination of Governor and Lieutenant Governor, and one for the nomination of other candidates. This, too, operated to increase public and private expense. There should be but one primary day and upon that day all nominations, under the provisions of this law, should be made. Provision could be made for the submission of the question of direct nominations whenever petitioned for at the April election, thus making use of the election machinery already in use and with but slight additional expense." 3 Jan. '07, p.13-14

k **Mich. Warner.** ". . . Under the provisions of the primary election law passed at the last session of the Legislature a plurality vote only is required for the nomination of all candidates selected under it except for Governor and Lieutenant Governor. An exception is made in the case of these two officers requiring that the successful candidates therefor shall secure not only a plurality vote but at least 40% of the vote cast, failing in which the nomination goes to the state convention. In my judgment the law of 1905 should be so modified as to provide absolutely for the nomination of Governor and Lieutenant Governor in the primaries. In view of our experience during the past two years in the nomination of candidates for county offices, members of the state Legislature and members of Congress the danger of making small minority nominations is very slight—so slight indeed as to be of little consequence when compared with the confusion and ill feeling which would be sure to follow should a convention set aside the candidate receiving the highest vote in the primaries and then proceed to nominate some other candidate receiving even fewer votes than the candidate rejected."

23 Apr. '07

n **Minn. Johnson.** "It is hardly necessary to call your attention to the need of some very important modifications of our primary election law. . . I believe the law would be improved by providing that political parties through conventions might be permitted to nominate two or more candidates to be placed upon the election ballot, and to allow the people to choose between these nominations. The present system of permitting any citizen to declare himself a candidate for nomination by the mere filing of a nomination fee suggests a possibility of having a totally unfit and unworthy man to become the nominee of the political party with which he affiliates. A suggestion worthy of consideration is that nomination for the primary election, or the

160(3

right of a citizen to have his name placed upon the ballot, should be by petition only. The number of petitioners required should be sufficient to prevent frivolous candidacies but not so high as to bar worthy aspirants. . . There are many who advocate the extension of the primary election law so as to include state officers. While this is correct in theory, and should ultimately be accomplished, I believe that its extension to state officers, should be deferred until the law is corrected in its application to its present field of operation. The suggestion that the law should be repealed and that we return to the old convention system should not be entertained for a moment, because the theory of our primary election law is correct and experience from time to time will enable us to work out a proper solution of what appears at this time to be a vexatious question. I would suggest the advisability of the appointment of a joint committee of the House and Senate at the earliest possible moment to frame a new law and report to the Legislature before the close of the session."

9 Jan. '07, p.41-42

p **Mo. Folk.** ". . . I recommend the enactment of a state primary law, for the nomination of all elective officers, providing for a primary to be held all over the state on the same day, by all political parties, with the same number of polling places as in the general election, and expenses to be paid in the same manner. Penalties should be provided for illegal voting, or fraud on the part of judges and clerks as in general elections. . . This primary law should also enable the voters of all parties to express their choice for the party candidate for United States senator. . ."

2 Jan. '07, p.13-14

q **Mon. Toole.** "The primary nomination law passed at the last session is a failure and ought to be repealed.

The first objection to the present law is that it is not general. The right to put it into operation in any county is dependent, first, upon the wishes of a certain number of petitioners, and, finally, upon the result of a special election held at great expense to determine whether a majority of the voters of the county are in favor of it.

The result so far in this state shows that only seven counties have availed themselves of the present law, and none of these, as I am informed, is anxious to retain it.

Another objection, and one which practically destroys the purpose of such law, is the opportunity which it affords to designing men of one political party to influence if not to control the nominations of another political party.

A primary nomination law should be enacted of general application throughout the state by which the voter could express his preference for every officer to be elected, including a United States senator. So far as a United States senator is concerned, the vote of course would only be advisory, but to that extent it

ELECTIONS

160(3

would reflect the popular will and practically amount to an election by the people, a method now in vogue in several states."

8 Jan. '07, p.4

r **Neb. Mickey.** ". . . I urge your honorable body to carefully consider the various ideas that have been suggested along this line and to ultimately give to the state some form of a direct primary law, but with such limitations as will make it popular and effective. It should rigidly guard against the selection of candidates who may have received a plurality of the votes cast but not a majority, and should in all respects safeguard the principle that the majority have the right to rule."

3 Jan. '07, p.15

s **N. H. Floyd.** "Some of our citizens advocate a complete change in our nominating system, and a nomination of all officers by direct primaries. I recommend a careful consideration of the merits of that system in accordance with the plank in the Republican platform."

3 Jan. '07, p.20

t **N. Y. Hughes.** "Many suggestions have been made for the purpose of enlarging the freedom of political action through direct nominations as a substitute for nominations by conventions. It was apparently the intent of the primary election law (§ 12) to give to a general committee representing a party in any city or village or in a county wholly within any city, or in a borough, authority to adopt a rule that the nominations of the party's candidates for specified offices should be made by the enrolled members at the primary elections. On account of other provisions of law doubt has been cast upon its scope and effect. To provide an opportunity for a suitable trial of the system of direct nominations I recommend that an amendment be passed providing with sufficient clearness that any general committee of a party may adopt a rule providing for direct nominations and that thereupon voting at the primaries shall be upon an official ballot printed at the public expense. It is probable that under an unambiguous law of this kind the method will be adopted in one or more important counties and there will thus be furnished a satisfactory test of the desirability of having a system of nominations by direct primary vote. Our own experience will then enable us to determine the wisdom of its extension."

2 Jan. '07, p.14

u **N. Y. Hughes.** Recommends amendment of election law so as to permit direct nominations and to provide for official primary ballots.

4 June '07

v **N. Y. Hughes.** Recommendation for an optional direct nominations law renewed.

8 July '07

w **N. D. Burke.** ". . . In view of the almost unanimous sentiment in favor of a primary election law in this state, it is our plain, simple duty at this session to give the people a primary election law that will enable them to go to the polls on primary

160(3

election day and vote for the nomination of all elective state and county officers." 9 Jan. '07, p.3

x **N. D.** Sarles. "The Republican convention at Jamestown passed a resolution favoring the adoption by this state of a primary election law covering all offices and recommending United States senators. That such a law is in accordance with the wishes of a majority of the people is apparent." 9 Jan. '07, p.11

y **S. D.** Elrod. ". . . The majority of our people, so far as expressed, want a primary election law and I advise that you enact such law with an emergency clause attached. . ." 8 Jan. '07, p.6-7

z **S. D.** Crawford. Outlines and recommends passage of direct nomination act. 8 Jan. '07, p.20-26

za **Tex.** Campbell. Revision of the primary election law. 16 Jan. '07, p.17

zb **Wash.** Mead. "The party platforms on which candidates for office were elected in 1906 were in unison in favoring the enactment of a direct primary election law. . . These vital principles of self-government also should be preserved: The humblest citizen should have an equal chance with the aspiring millionaire in his ambition to serve the people in public office. Corporate favor or a plethoric purse should not be a prerequisite to the privilege of holding office. The act should not discourage genuine leadership nor obliterate party organizations, but it should disarm the power of the political autocrat. If the primary election follows the meeting of a convention that has adopted a concrete declaration of principles, party organizations will be maintained and confusion and a multiplicity of platforms obviated." 14 Jan. '07, p.30-31

zc **W. Va.** Dawson. ". . . It is incumbent on the Legislature to dictate the manner in which these nominees shall be chosen. The sentiment of the people is in favor of primary election for this purpose. With that sentiment I fully agree. While admitting it is not a perfect method and not without objection, yet it is the fairest, freest and best. I commend to you the passage of a law that will require every political party so to choose its nominees; that the election be held at public expense, by officers chosen and sworn under the law; that it be held on one day at every polling place in the state, and that every safeguard possible be thrown around it so as to make it free from fraud, corruption and other evils. Not only should all nominees to be elected by the people be so chosen, but candidates for senators of the United States should be selected in the same manner. . ." 8 Jan. '07, p.52-53

zd **Wis.** Davidson. "The primary election law passed by the Legislature of 1903, and adopted by a vote of the people at the general election in 1904, was given its first trial in 1906. . . In general the law has been a success, and gives every indication of accomplishing the results promised for it. . ." 10 Jan. '07, p.48

ELECTIONS

170

Districts. Notices. Days

171

Days. Hours

- a** N. J. Stokes. “. . . There are many objections to the mingling of state and municipal elections. There is no objection to their separation, save the objection to frequent elections. This objection can be overcome by holding municipal elections in the odd years and the state and national in even years. This is true of the national elections under present conditions. It can be made true of state elections by a constitutional amendment. This amendment can be prepared and considered with other proposed constitutional amendments that will be before you, and the question may then be decided by the people. Theirs is the voice that should control. Let them be given the opportunity to pass upon the policy of divorcing state and municipal contests and the holding of state elections in presidential and congressional years.” 8 Jan. '07, p.15-46

175

Ballots. Voting

- a** N. M. Hagerman. Urges adoption of Australian ballot law. 21 Jan. '07, p. 47-48
- b** N. Y. Hughes. “. . . There is doubt as to the validity of certain methods of split voting. If the general scheme of the law remains the provisions as to split ballots should be freed of ambiguity.” 2 Jan. '07, p.11

179

Challenge. Oath

- a** Id. Gooding. “. . . In the last two campaigns we have heard a great deal about the necessity for the reenactment of the test oath. I see no good reason why the test oath should not be reenacted, and with its reenactment I feel that such crimes as adultery, fornication and all other offenses against the home should be included in the elector's oath, that every citizen of Idaho should be compelled to take when exercising the franchise. I sincerely hope this recommendation will meet your favor.” 8 Jan. '07, p.26

181

Form

- a** Del. Lea. “The so called Australian ballot law in operation in this state is expensive, burdensome, and unsuited to the temper of our people and times. It affords neither secrecy nor protection to the poorly educated, nor safety to the independent elector who may desire to vote for his choice of candidates. The blanket ballot should be supplanted by a ballot of uniform size and color, printed upon uniform paper furnished by a public officer, and should contain only the nominees of one party, with opportunity for the elector to examine and prepare such ballot prior to enter-

ing the election room for the purpose of voting. The election laws should be so simple and clear that voters' assistants would be unnecessary. . . The time has arrived when voters' assistants for any cause should be deemed unnecessary for any person. Many features of the present system may well be retained, as they make quiet, peaceful and orderly elections, which all desire." 1 Jan. '07, p.16

- b **Mo. Folk.** ". . . After a careful inspection of the election laws of the various states I have come to the conclusion that a law such as the Massachusetts ballot law, whereby all names are placed on the same ballot, one under the other, with the proper party designation after each name, and the voter must designate by a mark the person he desires to vote for, would be in the interest of government by the people. This would prevent careless voting, and prohibit ignorant voting. . ." 2 Jan. '07, p.15
- c **Mon. Toole.** "So far as party designations are concerned, no 'party' should be recognized on the ballot as a political party whose candidate at the next preceding general election did not receive a certain per cent of the total vote polled at such election. The per cent should be sufficiently small to embrace all bona fide existing parties. . ." 8 Jan. '07, p.4
- d **N. Y. Hughes.** "It is not impossible to have a simple form of ballot which will put parties, candidates and voters respectively on an entirely equal footing. I believe that the best form of ballot is that in which the names of the candidates for the respective offices appear but once grouped under the names of the offices. I recommend that such a ballot, with appropriate designation of party, opposite the candidate's name, should be adopted. The fact that we are accustomed to another form of ballot in New York has given rise to objections which experience in other states has shown to be without weight. The argument in favor of the party column is that the voter who wishes to vote a straight ticket should have the opportunity of doing so with a minimum of inconvenience. But the straight voter has no inherent right to a preference and his constitutional privilege is satisfied if he is allowed freely and secretly to vote by ballot for each candidate. The question whether he should be permitted to vote by one mark for all the candidates in a party column is not simply one of his convenience, but depends for its answer upon broad considerations of public policy. His convenience is outweighed by the fact that the party column facilitates carelessness in voting and encourages the nomination of inferior candidates for minor offices, who rely for their success upon the strength of other candidates upon the same ticket. It is wholesome that the voter should be required to express his preference with reference to each office; and it is desirable that each party should be stimulated to additional care in its nominations, particularly for minor officers, because the candidates are to be

ELECTIONS

181

submitted to this test. It is also important to make the count as simple and easy as possible. No question of party expediency is involved, as all parties are treated alike." 2 Jan. '07, p.11-12

- c** R. I. Higgins. "When the new ballot law was adopted, it was believed that the question of simplifying the patriotic task of voting had been practically settled. After two years' experience with this law, I believe the results have not justified its enactment. It is true that straight voting, so called, has been simplified, but at the expense of making difficult the voting of split, or independent, tickets. . . There is one provision of the present law which is particularly objectionable. If a voter now makes his cross in a circle under the party emblem and then desires to vote against any person named on such ticket, he must not only make his cross opposite the name of a candidate in another column, but he must draw a line through the name of the candidate in the party column for which he has first voted. The requirement that he draw a line through such name ought to be abolished." 3 Jan. '07, p.8

- f** W. Va. Dawson. ". . . I think the Massachusetts ballot goes too far; the great majority of men desire to vote a straight party ticket, and I see no reason why the law should not make it easy for them to do so, as well as to make it easy for them to vote otherwise. Therefore I should prefer the New York ballot. . . Another advantage of the New York ballot is that it shortens the length of the ballot sheet and makes it less unwieldy. Under our law there must be a considerable blank space left under the name of every candidate. This, especially in presidential years, makes the ballot unwieldy." 8 Jan. '07, p.56

182

Furnishing. Distributing

- a** N. J. Stokes. "The present method of distributing ballots outside of the polling place, while it may serve convenience in some few instances, aids the briber and bribe taker. . . I recommend, therefore, that official ballots hereafter be not allowed outside of the polling place, and that laws be enacted to this end."

8 Jan. '07, p.30

- b** N. J. Stokes. ". . . I recommend therefore that official ballots hereafter be not allowed outside the polling place or that some form of ballot be adopted which will prevent as far as possible means of identification between the bribe taker and the bribe giver. . ."

18 June '07, p.7

185

Voting machines

- a** Ia. Cummins. ". . . As the statute now is, when the Voting Machine Commission has passed favorably upon any machine, it stands as approved. . . There should be an amendment giving

185

either the commission or some other board the authority to cancel the approval, if, in use, the machine is found to be worthless." 14 Jan. '07, p.14

- b N. J. Stokes. ". . . There is an apparent opposition in many parts of the state to the voting machine. Whether this opposition comes from disappointed political ambitions, whether it is due to the careless management of the voting machine by election officers, whether it is due to that conservatism of mind which always opposes innovations, whether it has been developed by selfish interests, or whether it is well grounded and sincere, I shall not attempt to discuss. As a prevention of the corrupt and fraudulent ballot, however, the voting machine has merit. It practically prevents bribery at the polls, as there is no possible means of ascertaining how the bribe taker votes. It prevents the substitution by corrupt election officers of any ballot for the one actually cast by the voter. It prevents the extraction from the ballot box of a handful of ballots and the replacing therefor of ballots never cast. It prevents tampering with the tally sheet or a falsification of the count. It secures promptness of results.

Machinery may get out of order—it may be purposely disarranged; but machinery does not lie, cheat, or steal, and its errors are easily detected and corrected. The voting machine, in short, practically eliminates bribery, insures an honest election count and enters into no conspiracy with those who would defraud the ballot. The fate of the voting machine rests, as it should rest, with the sovereign voters of the state, but the lovers of good government and of honest elections should think calmly and deliberately before they condemn an agency more helpful to their cause than a thousand unenforced statutes."

8 Jan. '07, p.30-31

187

Registration

- a Mo. Folk. ". . . Our election laws could be improved upon. Amendments would be advisable, giving more power to election commissioners to supervise the work of judges and clerks, and to enable any citizen to question the legality of any registered voter, so that the registration lists may be purged of fraud before election day. The registration laws, I believe, should be by constitutional amendment made to include towns of 10,000 inhabitants and over. . . ." 2 Jan. '07, p.14-15

- b Mon. Toole. ". . . Official returns show that at the last election there was a falling off of about 10,000 votes as compared with the vote of 1904. . . This may be the result of a lack of interest on the part of the citizen, or it may be, as claimed by many, that it is largely due to the confessed inconvenience and expense which our present registration law imposes upon many voters. In some states provision is made for registration without cost biennially with the county clerk between January 1st

ELECTIONS

187

and June 1st, and before a justice of the peace in the several townships between the same periods, at an expense to the county in the latter case of ten cents for each person registered. This presupposes, of course, the printing and furnishing of necessary blanks to the proper officers for that purpose, including the necessary application for a transfer from one precinct to another in cases where the elector has changed his precinct residence after registration. The general scheme for this system of registration has been, I think, well considered in the state of Oregon. This would save a great cost to the several counties. . . I submit the subject for your careful investigation and consideration."

8 Jan. '07, p.4-5

- c **N.M. Hagerman.** ". . . I believe the law should be so amended as to provide for personal registration by each voter. . ."

21 Jan. '07, p.47

- d **R.I. Higgins.** "Under the existing laws, the final day for registration in each year is June 30th. In my opinion, this is altogether unfair, as four months is too long a time before election to bar the voter from registration. I believe every citizen ought to be allowed to register up to within thirty days of election. . . Boards of canvassers and registration officials in the various cities and towns ought to be required to visit the different voting districts of their respective cities and towns during the last month or six weeks of registration, and at such times as will be most convenient for the voters. . ."

3 Jan. '07, p.8-9

- e **W.Va. Dawson.** New registration law.

8 Jan. '07, p.53-54

194

Canvass. Contests

- a **N.Y. Hughes.** ". . . I recommend that immediate provision be made for a recount of the votes cast for mayor at the municipal election in New York city in 1905. The matter is not one into which any considerations with respect to persons or expediency should be allowed to enter. If upon a recount it is found that the present incumbent of the office received a plurality of the votes, he will be confirmed in his title, and the claims which have been vehemently asserted against it will be conclusively answered. If, on the other hand, his opponent was elected he should be seated. With reference to future elections the power should be supplied to order a recount summarily, which the Court of Appeals has found lacking in the present election law. Provision should be made both for an entire recanvass or a recanvass of the ballots cast in particular districts or for particular candidates. The courts should determine the propriety of the exercise of the power in particular cases, but the power should be conferred. The fact that such a summary recount can be had will not only provide means to determine the actual result, but will tend to promote the faithful performance of their duties by

194

election officers. The late Attorney General recommends, and I fully concur in his recommendation, that the power to authorize the bringing of an action to try the title to office should not be lodged with the Attorney General. His own office may be in question. This power should be intrusted to the Supreme Court." 2 Jan. '07, p.9-11

- b N. Y. Hughes. Special message recommending provision for recount of votes cast for mayor in New York city election of 1905. 23 May '07

197

Presidential elections

- a W. Va. Dawson. "I have long thought that we ought to make a radical change as to the choice of presidential electors. I see no reason why their names should be printed on the tickets; there need only to be printed on the tickets the names of the candidates for President and Vice President of the United States. Let the law provide that the nominees for presidential electors shall be certified by the proper political officers to the Secretary of State, that there be printed on the ballot the names of the candidates for President and Vice President of each political party making such nominations; that there be given to each presidential elector as many votes as were cast for the candidate for President of his political party. . ." 8 Jan. '07, p.57-58

200

CRIMINAL LAW

Penal Code and Code of Criminal Procedure

202

Criminal procedure

For recommendations applying both to civil and criminal procedure *see* 695, Civil procedure

- a Cal. Pardee. "Another thing that is engrossing the attention of all thinking men in this state is the way in which, by juggling with the technicalities of the law, justice is defied and our courts and laws made laughingstocks by cunning lawyers. . . I commend this whole subject-matter also to the careful and patriotic attention of the Legislature, hoping that such changes in our criminal procedure will be made at this session as will prevent the spectacles that have, within the past two years, brought disgrace upon our laws and placed a premium upon dishonest, shameful, and indecent trickery. Be the fault where it may be, at the bar, in the trial courts, or in the Appellate or Supreme Courts, let the proper remedies be applied, so that those accused of crime shall be compelled to go to trial within a reasonable time; and let that trial be upon the merits, not the fine-spun technicalities, of the case and the law. Let a crime be quickly followed by punishment and not by judicial legerdemain and wearisome, justice-refusing technicalities." 7 Jan. '07, p.69-70

202

b **Mo.** Folk. “. . . Many cases are reversed on points foreign to the merits of the case, and costs thus piled up. When the cases go back again for trial often the state witnesses have died or disappeared, or their memory of the facts has become indistinct, and justice is thwarted. I do not desire to be understood as criticizing these decisions or the judges that render them, but the rules that make it seem necessary for the judges to decide cases in accordance with them. The Legislature has the power to remedy this by providing a simpler form of criminal procedure. It might be well, also, to provide that no case should be reversed for any error of the trial judge or defect in the pleadings, unless the Supreme Court find that the error resulted in a miscarriage of justice.” 2 Jan. '07, p.36-37

c **Tex.** Campbell. “. . . The present complex and cumbersome procedure is a shield to the criminal, defeats justice, increases the number of our courts, and adds unnecessary burdens upon the taxpayers. . . A fair and impartial trial upon the law and the facts without tangled and technical rules should be accorded the accused, and when this is done, then, and not until then, so many trials and delays can be avoided and substantial justice may with some reason be expected in all cases. Now, then, without intending to suggest a limit to the remedies which you in your wisdom may devise, I respectfully suggest:

1 That you further limit jury exemptions and define and limit the causes for which the trial judge may in the exercise of his discretion grant excuses to men drawn for jury service.

2 Either prescribe by statute a common sense form of charge for the jury in every criminal case of the grade of felony, or require such charge to embrace only the nature of the accusation and a copy of the statutes applicable to the offense charged and the facts of the case. . .” 16 Jan. '07, p.15-16

203

Apprehension, prosecution, indictment

212

Prosecutions

a **Col.** McDonald. “A law should also be enacted preventing a district attorney from dismissing a criminal case without the consent of the trial judge.” 3 Jan. '07, p.14

213

Grand jury

a **Col.** McDonald. “I believe the grand jury system should be rehabilitated in Colorado. While it is true that a judge can call a grand jury together when he deems it necessary, still it seems to be equally true that whenever a grand jury is called it is for political purposes only, and not for the purpose of getting at the real truth of existing conditions. . .” 3 Jan. '07, p.14

b **N.J.** Stokes. “. . . The selection of a grand jury should not be vested in any one individual. While the names of the

213

grand jurors should be kept confidential for public reasons, the selection of such bodies by lot out of a list of the citizens of the county, eligible for that duty, after such a list has been revised by the judge of the Court of Common Pleas, would serve the demands of fairness and would take the grand jury panel out of the suspicion of influence or favoritism. A panel so drawn would result in grand juries that would treat every case upon its merits and would weigh every consideration in the scales of evenhanded justice." 8 Jan. '07, p.26

- c N. J. Stokes. ". . . The selection of a grand jury should not be vested in any one individual. . . In some states grand juries are selected by commission, and some states have no such judicial tribunal. This indicates the belief in those states that either grand juries are unnecessary or where they exist they should be free from even the suspicion of partizan or personal influence. . . ." 18 June '07, p.4-5

216

Criminal trials

217

Change of venue or judge

- a Mich. Warner. Recommends that the change of venue law of 1905 be radically amended or repealed. 3 Jan. '07, p.8

219 .

Evidence

See also 246, Perjury

- a Mo. Folk. ". . . I would recommend the enactment of a statute whereby witnesses could be forced to testify, but relieving them from prosecution by reason of their testimony given in a court of competent jurisdiction." 2 Jan. '07, p.38

220

Competence

- a N. M. Hagerman. Suggesting legislation allowing convicts to give testimony. 21 Jan. '07, p.44-45

224

Judgment. Sentence. Execution

225

Appeals. New trials

- a N. D. Burke. ". . . If a defendant is convicted in the County Court, he can appeal to the District Court and there have his case started anew on the facts, and before another jury. The party losing a civil action before a jury in the County Court, can appeal to the District Court and there have his case tried anew before another jury. This is no relief to the District Court and is an increased expense to the county. . . I therefore recommend that section 8292 of the Revised Codes of 1905 be amended so as to provide for an appeal from the County Court direct to the Supreme Court. . . ." 9 Jan. '07, p.10

CRIMINAL PROCEDURE

225

- b** U. S. Roosevelt. "Another bill which has just passed one house of the Congress and which it is urgently necessary should be enacted into law is that conferring upon the government the right of appeal in criminal cases on questions of law. This right exists in many of the states; it exists in the District of Columbia by act of the Congress. It is of course not proposed that in any case a verdict for the defendant on the merits should be set aside. . . ." 3 Dec. '06, p.1

228

Sentence

See also 353, Commitment; 363, System of sentencing and reform

229

Death penalty

- a** Ala. Jelks. ". . . The indisposition of juries to sentence to hanging, as disclosed by the record, and the excitement which the possible hanging of this man created among respectable people, leads me to the conclusion that the hanging of white men in Alabama is almost an impossibility, and excites me to suggest to you that probably it would be as well to allow the law to declare against capital punishment except in a case of an offense against women. It is monstrous to allow a law to stand which is operative only against one class of our citizens. . . ." 14 Jan. '07, p.24-25

- b** Ind. Hanly. ". . . I am opposed to capital punishment in any form. . . The law requiring such punishment does violence to my every moral sense and I can not stand acquit at the bar of my own conscience until I have done what I can to put an end to the practice in Indiana. It is out of keeping with the spirit of the age in which we live. . . It has but one defense even in the minds of its adherents, that of public necessity. But that defense has never yet been adequately made out. The shedding of human blood does not deter crime—it begets it. The brutality of such a scene leaves every man who looks upon it the worse for having seen it. . . Society can be protected from the man who commits murder by life imprisonment quite as effectually as by taking his life. . . I have given this matter patient study and much research, and have been unable to find any reliable statistics that justify the belief that legal executions make the crime of murder less frequent. There is not a state in the Union where the death penalty is inhibited which does not have fewer homicides than most of the states whose laws impose it. . . As the executive I appeal to you to save the executive officers of the prison and of the state from the further infliction of such a penalty. . . ." 10 Jan. '07, p.90-92

- c** Vt. Bell. ". . . I am more firmly convinced than ever before that, as a safeguard against violence and as a protection to society in general, the law making capital punishment, in some form, the extreme penalty for crime should be retained on our statute books." 4 Oct. '06, p.9

Jury

See also 726, Civil procedure

- a** **N. C. Glenn.** "Speedy trials and certainty of punishment for the guilty are the best methods of preventing crime. The excuse for lawlessness and lynching is generally the slowness and uncertainty of court trials. . . To guard against fraud, the list of drawn jurors should not be published, and no clerk, sheriff, or other officer should be allowed to furnish any one a list, but it should be kept perfectly secret, and the sheriff, without disclosing the jury list, should quietly summon them to court. In capital cases, formerly a defendant could not testify in his own behalf, and therefore to equalize matters he was allowed 23 peremptory challenges, and as many more as he could show cause for. Now he can testify, and to give him so many challenges puts the state to a great disadvantage, and often defeats justice, for it enables the defendant (especially where there is more than one) to select a jury of his own liking, who are ready to acquit before entering the box. The state should be given four peremptory challenges, and the defendant six. . . There are, also, too many challenges to the favor, for why should good men, simply because their property did not consist of realty, or they had a suit in court, or had neglected, perhaps because absent, to pay their taxes, be disqualified from serving on the jury? There also should be very few exemptions from jury duty, to the end that the best and most intelligent citizens should serve. Also, in a county where there is feeling either for or against the defendant, in case you reduce the number of challenges, I recommend that the trial judge be authorized to send to an adjoining county and summon good and lawful men to attend the court where the trial is to be held, to serve as jurors. . ." 9 Jan. '07, p.16-17
- b** **Tenn. Patterson.** ". . . When the defendant has the benefit of the presumption of innocence and the reasonable doubt, both of which are proper and should not be abridged, he has all that a rational system of administrative justice should require. But when further fortified by the right to challenge without cause 24 jurors after they have qualified, augmented by the difficulty of qualification under our decisions, the law can too often be successfully defied. . . I recommend on all indictments hereafter found that the peremptory challenges be reduced from 24 for the defendant to 10, thus leaving the number six for the state and 10 for the defendant, with the discretion vested in the trial judge to extend the peremptory challenges of a defendant in a capital case to 15 where, on account of extraordinary prejudice or for other good and sufficient cause, he may think the extension necessary to meet the ends of justice. What is urged on indictments charging capital offenses as reasons for the reduction of challenges, apply to those of lesser grade, and I there-

230

fore recommend that on those for inferior felonies above the grade of petit larceny, the number of challenges for the defendant be reduced from 10, as now provided, to six, leaving the state four and the defendant six peremptory challenges. That on indictments charging petit larceny the number of challenges be fixed at three for the state and five for the defendant, instead of two and six as now provided, and in all misdemeanors the number is fixed at two each for the state and defendant, instead of five each, as now provided by law. As companion legislation on the subject of qualification of jurors, I recommend that the Legislature declare that on examination of a proposed juror it shall not be competent to ask him, either on direct or cross-examination, whether he has formed an opinion on a newspaper report, no matter what that report may contain, for any opinion thus formed must necessarily be from rumor or hearsay, and this is not changed by the fact that it is printed rather than oral. When a proposed juror is otherwise qualified and is prepared to render an impartial verdict on the law and the sworn testimony of witnesses in open court, it is all that justice should require. . . ."

'07, p.16-18

Recommendation renewed.

1 Apr. '07, p.2-3

- c** **Wash. Mead.** ". . . The time and labor devoted to, and the expense incurred in, the trial of criminal causes may be reduced without doing injustice to the accused. Trials under our present procedure may decline into an ordeal to test the physical endurance of courts and juries rather than to determine the criminal responsibility of the defendant. In a trial unnecessarily prolonged jurors may become weary from restraint and impatient with delay, and, therefore, incompetent to discharge their full duty to the state and the accused, allowing, in a few instances, criminals to go unwhipped of justice. The great length of time required to secure juries in criminal trials, and the unnecessary expense incurred, suggests the advisability, without abridging the administration of justice, of amending the law relating to peremptory challenges and challenges for cause. The number of peremptory challenges should be reduced and the grounds relating to challenges for cause confined to reasonable limits."

14 Jan. '07, p.23-25

234

Crimes and offenses

236

Crimes against the government

238

Administration of justice

246

Perjury

- a** **Del. Lea.** ". . . I recommend that the criminal laws of the state be so amended and supplemented as that various forms of false swearing, other than perjury, may be punished."

1 Jan. '07, p.24

256 Crimes against public order and security

See also 870, Public order

257 *Conspiracy*

- a** Del. Lea. "I recommend . . . that the offense of conspiracy be by statute broadened in its scope." 1 Jan. '07, p.24

260 *Vagrancy*

- a** Ala. Jelks. ". . . A more efficient vagrancy law should be passed or the present one amended. The Supreme Court has held that the burden is upon the state to prove that the defendant has no property or means to support him. . . The burden of proof should be upon the defendant charged with vagrancy to establish the nature, kind and amount of property, if any, he has from which he gains a support." 14 Jan. '07, p.7
- b** Ark. Little. "I recommend to you the importance of strengthening our vagrant laws, and authorizing cities and counties to place those convicted of vagrancy upon public improvements. . . ." 18 Jan. '07, p.16
- c** N. C. Glenn. "I also urge that the vagrant law be amended, giving adequate punishment in the discretion of the Superior Court. . . ." 9 Jan. '07, p.17
- d** Wash. Mead. "When it is disclosed by a competent tribunal in the investigation of crime that a person has a criminal record, is not regularly employed and has no fixed place of abode, the security of life and property should not be jeopardized by permitting him to remain at large until he has committed some criminal act. A chronic criminal of this character should not be 'moved on' by local authorities to become a charge on a neighboring municipality, but should be held in custody, employed on the public highways or given other occupation, and restrained of his liberty until paroled in the custody of some reputable person who will assume responsibility for his good conduct, or until it has been effectually demonstrated that he no longer is a menace to society." 14 Jan. '07, p.21

262 *Weapons*

- a** Del. Lea. "I recommend . . . that the jurisdiction of the offenses of carrying concealed a deadly weapon, pointing a pistol at another person and discharging a firearm upon the public highway be given to tribunals inferior to the Court of General Sessions where possible." 1 Jan. '07, p.24

264 Crimes against public morals and the family

See also 929, Sunday observance

272 *Bigamy*

- a** Del. Lea. "I recommend . . . that the punishment for bigamy be made more severe." 1 Jan. '07, p.24

CRIMES AND OFFENSES

280

Immoral literature and exhibitions

- a S. C. Ansel. “. . . I think it important, also, to ask that you pass an act making it a misdemeanor to post or display in any public place or in any street or highway, indecent pictures of females. . . .”
15 Jan. '07, p.7

282

Polygamy

- a U. S. Roosevelt. “It is neither safe nor proper to leave the question of polygamy to be dealt with by the several states. Power to deal with it should be conferred on the national government. . . .”
3 Dec. '06, p.29
- b U. Cutler. “In the Utah statutes the word ‘polygamy’ is used to designate a crime known in all other states under the title ‘bigamy.’ As some confusion has resulted from this difference in nomenclature, the suggestion is made, and I approve it, that the law be amended by substituting the word in common use in other states.”
15 Jan. '07, p.26

286

Rape

- a Ark. Little. “Criminal assaults upon women can not be tolerated in any civilized country, and every possible effort ought to be made to prevent them. To this end I recommend that the entering of any dwelling place at any time for the purpose or with the intent to commit the crime of rape upon any person being or dwelling there, be punishable by death, at the discretion of the jury trying the case; and that all assaults with intent to commit the crime of rape be subject to like punishment; and that, for the trial and punishment of these crimes, the judges of the different Circuit Courts be empowered to call a special term of their court immediately, and to impanel special grand and petit juries for the indictment and trial of persons charged with such offenses; and in cases of conviction that 10 days should be allowed to present the bill of exceptions to the judge of the Supreme Court for allowance, and no appeal shall be had except by the concurrence of at least three of the judges of said court. When allowed, said cases shall have precedence over the other business, and be brought to a speedy decision under such rules as said court may prescribe. This course will have a strong tendency to prevent mob law, which is always to be deplored. . . .”
18 Jan. '07, p.17
- b S. C. Heyward. “Recently the Legislature of Virginia enacted a law making an attempt at rape a capital offense, and providing also that the testimony of the victim could be taken in private and not before the public in a court room. I am informed by state officials of Virginia that this law is working satisfactorily. I think this a very important consideration, and I recommend the passage of such a law for our state. The holding of special terms of court has many objections, the principal one being the appearance of thus yielding to lawless de-

286

mands hastily made. For the crime of rape, however, I am of the opinion that special courts should be held to try the culprit at once, and I hope our laws can be so amended in this respect."

8 Jan. '07, p.14

- c **S. C. Ansel.** "I further wish to call your attention to another matter which I consider of grave importance at this particular time in our history, and that is the enactment of a law providing the death penalty to any male person making an assault upon a female with intent to ravish, granting the right to the jury trying the case to fix the punishment at life imprisonment in the State Penitentiary, if in their judgment the facts warrant a less punishment than death. . . I further recommend that an act be passed providing that in all cases of rape or assault with intent to ravish, the female may be allowed to testify in private, before the judge, in the presence of the counsel for the state and the defendant himself, and that the testimony so taken shall be read to the jury as the evidence of the said witness on the trial of the case. . ."

15 Jan. '07, p.7

- d **U. S. Roosevelt.** ". . . Moreover, in my judgment, the crime of rape should always be punished with death, as is the case with murder; assault with intent to commit rape should be made a capital crime, at least in the discretion of the court; and provision should be made by which the punishment may follow immediately upon the heels of the offense; while the trial should be so conducted that the victim need not be wantonly shamed while giving testimony, and that the least possible publicity shall be given to the details."

3 Dec. '06, p.10

292

Crimes against persons

304

Homicide

- a **Del. Lea.** "I recommend . . . That the punishment for manslaughter may be made more severe."

1 Jan. '07, p.24

308

Crimes against property

322

Embezzlement

- a **Ind. Hanly.** ". . . I recommend that you enact a statute, the terms of which shall clearly make it embezzlement for any public officer to convert to his own use money received under color of his office, while acting under claim of official authority, no matter in whom the technical legal title thereto may be held to vest. . ."

10 Jan. '07, p.9-12

325

Fraud (miscellaneous)

- a **Mass. Guild.** ". . . The bucket shop appeals primarily to those who expect and take a gambler's risk. As great, if not a greater, evil is the swindling not of speculators, but of small

CORRECTIONS

325

investors, by advertisement of bogus enterprises, notably of questionable mining schemes. . . I suggest to you the propriety of legislation against the attempted sale through misleading advertising of properties which in some cases are known to be worthless by the promoters and which in some cases do not exist at all. . . .”

3 Jan. '07, p.27

- b Mo. Folk.** “. . . I call your attention to the necessity of regulating the sale of stock certificates and investment contracts of mining and oil companies which should be under the control of this department. The newspapers are filled with alluring advertisements of mining stocks for sale. Many of these companies are fraudulent, and engulf the savings of the confiding and the credulous. . . The law can not entirely protect the people who will go into things of this kind, but to a large extent the operation of fraudulent concerns of this character can be prevented by putting them under the supervision of this department.”

2 Jan. '07, p.5

- c Mon. Toole.** Recommends that issuing of false or exaggerated statement of financial condition of corporation be made a felony.

8 Jan. '07, p.15

335

Corrections

See also 60, State institutions; 2140, Charities

- a Ia. Cummins.** “I am more than ever impressed with the advantages that would be derived from the indeterminate sentence; and I know that it would be both humane and helpful to convert the penitentiary at Anamosa into a reformatory, and to establish a separate reformatory for women. . . You can not render your state better service than to give these things the best thought of your minds. . . .”

14 Jan. '07, p.7

341

State prisons

- a Cal. Pardee.** “I am more than ever persuaded, however, that not all the prison reforms we need are likely to be fully realized until our entire prison system of control shall have undergone a considerable reorganization. It is my judgment that the executive head of the prison system should be a general superintendent of prisons and reform schools, who shall be a specially trained man, and who shall be allowed to select such subordinates in his own office as he may need, and select the wardens of the state prisons by and with the consent of the Board of Prison Directors. . . .”

7 Jan. '07, p.20

- b Col. McDonald.** “Improvements are needed at both the penitentiary and reformatory. The penitentiary is in need of an insane ward and a separate cell house for the confinement of prisoners afflicted with tuberculosis. . . .”

3 Jan. '07, p.9

- c Ill. Deneen.** “The attention of the General Assembly is directed to the condition of the cell house for men at the Joliet

Penitentiary. An investigation has been made, under the authority of the State Board of Charities, which shows that there are 900 cells, in which are confined 1200 male prisoners. It is necessary, therefore, to put two prisoners in many of the cells, which are only 7 feet long and 7 feet high and 4 feet wide, affording under such conditions but 75 cubic feet of air space per man. The amount of air space insisted upon by law in the poorest lodging houses in our large cities is 400 cubic feet per person. The minimum normal amount is 1000 cubic feet per person, with facilities for renewal three times per hour. The normal amount of carbonic acid gas (which is the measure of contamination of air) is three volumes in 10,000. While the prisoners are absent from the cells the average contamination is nine volumes. Two hours after their return the average volume of carbonic gas varies from $14\frac{1}{10}$ to $15\frac{1}{4}$ in different cells. Three and one half hours after their return from dinner, and with the roof ventilators closed to approach cold weather conditions, the volume of gas rises to $21\frac{3}{10}$ volumes, seven times the normal. These conditions are most favorable to the spread of tuberculosis, and are not only a menace to the health of the inmates of the penitentiary, but also to the general health of the community. I recommend to the General Assembly the careful consideration of the report of the commission making the investigation, with a view to determining the best means of remedying the conditions described."

9 Jan. '07, p.11

- d N. M. Hagerman. ". . . Outside the completion of the new cell house [of the territorial penitentiary], other improvements are very necessary. At the present time the prisoners are fed in the corridors of the cell house, which is not conducive to proper sanitation. The kitchen is entirely too small for the requirements of the institution. The installation of an electric power plant is necessary and it would soon pay for itself. All of these improvements, it is believed, can be completed within two years, if the appropriation for maintenance be made as recommended, and I therefore urge that such recommendation be adopted by the Legislature."

21 Jan. '07, p.19-20

- e U. Cutler. ". . . In connection with the securing and perpetuating an adequate water supply for the [state] prison, I respectfully ask you to appoint immediately a special committee to examine into this matter. It is the most important question now affecting the management of the prison. A controversy has arisen with the city of Salt Lake with reference to certain water rights, and I think the time opportune for the appointment of a legislative committee to take up the matter with proper legal advice, and attempt to secure to the state its rights."

15 Jan. '07, p.19-20

CORRECTIONS

343 Reform schools and reformatories

- a Ill. Deneen. Appropriations for improvements to the Illinois Training School for Girls and St Charles School for Boys.

9 Jan. '07, p.12-13

- b Kan. Hoch. "I recently spent two days at the State Reformatory, at Hutchinson. . . But this great institution, good as it is, is by no means as good as it should be. Much is yet to be done to make it ideal, and these efforts should be directed along three specific lines—educational, industrial, and moral or spiritual. The day school should be greatly improved. Surely there is a great need of this, for over 55% of the boys who are sent to this institution must enter the first or second reader class. Many of them can not read or write. I believe women teachers should be provided for these young men. . . These boys need the refining influence of womanhood more than the boys on the outside. And this educational process should not be confined to the recitation room. The library should be carefully overhauled, and a system of private reading inaugurated and encouraged, under the supervision particularly of the chaplain and the teachers. A wonderful reform work can be wrought in this manner. There should be a resident chaplain in the institution, with a salary of at least a thousand dollars, who should devote all his time to work among these boys, not only in the public chapel services but in countless private ways and in the hospital. . . Greater industrial facilities should be provided, as well as educational, so that when these boys go out into the world they will go out equipped for usefulness. The opportunities to learn useful trades should be multiplied in number and increased in facility. I commend this institution as worthy of your best thought and most liberal treatment."

8 Jan. '07, p.14-15

- c N. M. Hagerman. "With the growth of the territory the increasing need of a reform school, properly conducted, is felt. A considerable sum of money has been spent for the building of such a school at El Rito. . . The building, as far as constructed, is said to be excellent, but its location is almost universally conceded to be excessively unfortunate. It is far from a railroad and even if it were completed, would be difficult and expensive to operate. . . The building at Santa Fé now used for the deaf and dumb could readily be adapted to a reform school with comparatively little expense. Its location is appropriate for such a purpose and the advantages of so using it and of having the institution at Santa Fé and on the railroad are manifest. . . I therefore respectfully recommend that provisions be adopted by you for the establishing of the reform school at Santa Fé in the manner indicated. . ."

21 Jan. '07, p.22-23

343

d **N. C. Glenn.** "Youthful criminals should not be confined with old and vicious offenders, for such association hardens their natures and lessens the chances of ever reclaiming them. . . Would it not be wise for you to appoint or have the Governor appoint a committee of wise and humane men to take the whole matter into consideration and report to the next Legislature if a reformatory is absolutely needed, and if so, to recommend the kind most suitable for such criminals, and then with all necessary information before it, there will be slight chance of there being any mistake made." 9 Jan. '07, p.34

e **Tenn. Patterson.** "What to do with youthful prisoners is a question which almost daily confronts our courts, and the state is poorly equipped to solve it. . . We must legislate for this class upon the theory that there should be some punishment and restraint tending to prevent further crime, but also holding out the hope of reformation, and this is not possible within the walls of the penitentiary. I recommend the building of a state reformatory, where juvenile criminals may be sent, and where they may be taught, under good and restraining influences, some useful trade or employment and be given a chance to become useful citizens. . ." 7 Jan. '07, p.18-19

345

Institutions for women and girls

a **Col. McDonald.** "The State Industrial School for Girls has had a varied and hard experience, largely due to the manner of financing the institution. . . The present law provides that the counties shall pay fifty cents per day for each inmate from the county. This is entirely inadequate for the maintenance of the school, even if collected, and sometimes it is impossible to get this amount, and always the remittances are delayed. . . The Board of Control has been compelled to contract an indebtedness for the maintenance of the school amounting to something like 10 or 12 thousand dollars. The creation of this indebtedness was absolutely necessary in order that the school could remain in operation. I earnestly recommend that this indebtedness be provided for early in the session. I also recommend that this school be placed on the same footing as a state institution as the Boys' School. I see no good reason why it should not be provided with a proper income from the state revenues for its maintenance, and if the state feels it must be reimbursed, let the counties pay the state the 50 cents per day, but this school should not be hampered in its work as it has been in the past. . ."

3 Jan. '07, p.7

b **Col. Buchtel.** "The State Industrial School for Girls ought to have precisely the same fostering care by the state which is given to the State Industrial School for Boys. The fact that the state has done nothing for these poor girls is an awful indictment of our humanity. Hitherto we have just allowed that school to

CORRECTIONS

345

keep alive, provided the counties cared to pay the amounts due under the law from month to month. . . ." 8 Jan. '07, p.30

- c **Ind.** Hanly. ". . . The lack of proper separation in our jails, the scandals that have developed in some of them on account of the confinement of women therein and the frequent unsatisfactory treatment there accorded to women, together with the lack of employment for them, lead me to recommend what seems to me a satisfactory solution of the problem of their care and confinement. That is, the utilization of the vacated parts of the girls' side of the Woman's Prison as a workhouse for women. Long term prisoners can be sentenced to the Woman's Prison, as they now are. Those sentenced for a short term may be sentenced to the Workhouse for Women. If the change is made no convicted woman should thereafter be confined in any jail or workhouse in the state. . . ." 10 Jan. '07, p.44

- d **Minn.** Johnson. "For several years there has been a movement on the part of philanthropic citizens looking for a separation of the sexes in the industrial school at Red Wing. At the present time this institution is under one management, and it has been felt for some time that the work of developing good citizenship has been retarded, and made almost impossible by the close contact of wayward and incorrigible boys and girls. . . . For the purpose of making a somewhat extended study of the condition of this subject, during the past summer I visited a number of similar institutions located in the eastern states. . . . The most ideal institution visited on a tour of inspection was that at Middletown, Connecticut, a school for girls exclusively. This institution is on the cottage plan; each cottage having its own kitchen, dining room, laundry, and other facilities; the girls are taught those things which would be of value to them upon leaving the school. Because of their isolation there was not that necessity for restraint which is imperative in our own school at the present time. The tendency is to educate the girl rather than to compel seclusion and punishment through a lack of liberty. I understand the percentage of reformation is higher at this institution than in any other institution of the country; and the success of this institution, through the experience there, convinces me that our policy should be along the same lines."

9 Jan. '07, p.49-50

- e **U.** Cutler. ". . . In connection with the management of the [state industrial] school, I consider the time opportune to suggest in line with the recommendations, that provision be made for the removal of the girl inmates to a building to be provided, at such a distance from those occupied by the boys as to render communication between them impossible. At present the two sexes are separated, but they occupy buildings so near each other that perfect isolation is out of the question. As to whether this separation would make an additional board of management neces-

sary, your judgment must determine. In my opinion the object could be accomplished with the present board, and without material increase of officers and employees. . . ."

15 Jan. '07, p.17-18

346

Reform schools

- a N. H. Floyd. ". . . Nearly all the inmates [of the Industrial School] are well behaved and make rapid progress in the correction of bad habits, and in learning what fits them for usefulness after their discharge. But there are a few of the larger boys who are apparently almost incorrigible, whose influence upon others is bad, and whose conduct often calls for punishment. At present they occupy the same dormitories as those who are well disposed, and it is desirable that provision be made for separating them at night, and as far as possible during the day, from those to whom their conversation and acts are a hindrance. To do this other accommodations must be had, and I see no reason why this can not be accomplished by additions to the present buildings, which need not be very expensive."

3 Jan. '07, p.11-12

347

Reformatories

- a Ill. Deneen. "The last General Assembly appropriated \$10,000 for the purpose of establishing a manual training school at the State Reformatory. The sum was inadequate to meet the requirements of that institution. There are now 275 boys taking the manual training course. The school should be enlarged to accommodate at least 500. Two or three additional shops also should be established there. This will not require an outlay of money beyond that necessary for the purchase of materials, as the work can be done by those trained in the trade school and in the manual training department of the reformatory. . . . I believe the farm at the institution should be enlarged. It now consists of 276 acres, 76 acres of which are devoted to buildings, lawns and parks, leaving 200 acres for cultivation. This is entirely insufficient to furnish employment to the number of boys who should perform agricultural labor. During the past year the institution was fortunate enough to lease 340 acres, making 540 acres of land under cultivation. . . . I recommend also an appropriation for the purpose of erecting and equipping at the reformatory a gymnasium and natatorium. . . ."

9 Jan. '07, p.11-12

- b Tex. Lanham. "The record made at the House of Correction and Reformatory deserves approbation, and will, upon examination, be found highly satisfactory. The convicts have been well treated and the avails of their work have steadily increased, bringing a larger contribution to the treasury than at any previous period. It would be well to make provision for some plan of industrial education for these youthful offenders."

10 Jan. '07, p.13

CORRECTIONS

347

- c **Wash. Mead.** "I recommend the establishment of a state reformatory, designed according to the most approved methods, for the restraint and reformation of persons, between the ages of 16 and 30 years, who have for the first time violated the criminal statutes. That the sentence pronounced be upon the indeterminate plan, with the parole system as incident thereto. . . The Reform School already provided by the state is greatly overcrowded, and I recommend that some institution be created whereby the boys can be taken from the existing institution and placed in one to be so established, thereby accomplishing another much desired result—the absolute separation of the sexes in an institution of this character." 14 Jan. '07, p.19-20

348

Local institutions

349

County and township

- a **Kan. Hoch.** ". . . The law should require that all county and city jails should be constructed with a special view to light, air, and sanitation; that they should be kept clean; that the beds should be furnished with clean linen and covers that can be washed and changed frequently. The jails, particularly in populous counties and cities, should be so arranged as to permit classification of prisoners. There should be an adult department, a juvenile department, and, of course, a women's department. Prisoners serving sentence and prisoners awaiting trial should be separated. When possible prisoners should be given employment, and some system of pay for their services adopted. Work is a great reformer and remuneration a great incentive. Women as well as men should have these opportunities. At present women have no opportunity to work out their sentences. Kansas, a leader always in reform movements, should hasten to improve its local prisons." 8 Jan. '07, p.15-16
- b **N. Y. Hughes.** "Your attention is also directed to the condition of the county jails and penitentiaries. There is urgent necessity for reform in administration and the question is presented whether it is not advisable to reorganize the prison system of the state and through state control to secure uniformity of condition and discipline." 2 Jan. '07, p.27

350

Municipal

- a **Ala. Comer.** ". . . The practice of hiring the board and keep of a man in chains to any one who expects to make money from the economy of it, or the saving of it, is wrong in principle and is obliged in a great many instances to bring about serious abuses. Besides being the object of cupidity in the making of money, it also excites the disposition to keep the jails full for the purpose of making more money. . . A man in jail is in the custody of the state and humanity demands that he should

have reasonable care. I suggest laws making it a part of the state's duty to feed its own prisoners, and also suggest a law to have a state inspector of the jails of the state. I think this would be in the interest of both humanity and economy."

15 Jan. '07, p.18-19

352 Discipline. Instruction. Care of sick

- a Ala. Jelks.** ". . . I had hoped before my term expired to see purchased one large plantation of the very best land providing quarters for all those convicts who are not fit for very hard work, dividing it up into quarters for women and children, tuberculosis people, for a general hospital, and for quarters for men, placing it all under one great management. This must be done in time. A profitable departure for the state in the near future will be the opening of mines on the state's own account, and thus securing the operators' profits. If this is done and properly managed the income from such convicts as may be used in the work should double the present income of an equal number of men so engaged."

14 Jan. '07, p.26-28

353 Commitment. Transportation. Transfer

- a Or. Chamberlain.** ". . . The law with regard to the transportation of convicts to the penitentiary should be amended so as to require convicts to be conveyed to prison by officers of the penitentiary. The cost for this service to the state under the present system for the two years ending September 30, 1906, was \$13,573.45 covering the transportation of 378 prisoners, an average cost of \$35.91 per capita, whilst the cost of conveying 314 insane patients from July 1, 1905, to July 1, 1906, was \$5668.52, an average cost of \$18.05 per capita. If the same law is made to apply to the penitentiary, a saving of at least 50% of the present cost can be saved to the state, and the prisoners handled by men trained in prison work."

16 Jan. '07, p.34

354 Convict labor

- a Ark. Little.** The system of leasing convicts to private persons or corporations should be permanently abandoned at as early a date as practicable.
- b Ark. Little.** ". . . The employment of convict labor upon road work has been the subject of much discussion. I commend this subject to your consideration, with the suggestion that provision be made for the employment of all available convicts not needed upon the state farm in this work under such provisions and limitations as will maintain the county as the unit or basis of action. . . ."
- c Cal. Pardee.** ". . . California needs to have more profitable work for its prison population to do, and as soon as it can be brought about industries should be established at both prisons

18 Jan. '07, p.9-11

18 Jan. '07, p.11-12

for the manufacture of such commodities as the state institutions require. If, then, in addition to a certain specified task to be completed on state account, the prisoners were given an opportunity to earn something for themselves, be it ever so little, they would learn to perform sustained labor before they knew it. . . ."

7 Jan. '07, p.20

- d **Col. McDonald.** "A question of grave moment is the employment of our convicts. This question has been discussed and considered for several years, but no conclusion has been reached of a permanent nature. The law enacted at the last session, known as the "Lewis Road Law," has been of some effect, but it is not as far-reaching as it should be. I wish it clearly understood, however, that I am not in favor of the employment of convicts in lines of industry which will to any great extent come in competition with the honest man who is honestly endeavoring to make a livelihood for himself and family, so that whatever line of occupation is recommended must necessarily be limited to a very few things.

Road building is most commendable. I believe in making appropriations from the internal improvement funds for permanent improvements, such as road building. Convicts could be used very advantageously, appropriating the money for the maintenance of the prisoners while engaged on the road, for the necessary guards, etc. In this way a great deal more road could be built for the same money, and undoubtedly better roadways would be the result. Of course, only certain classes of the prisoners could be utilized in work of this kind. There is always a large number that it is necessary to confine within the walls of the institution. I believe, with a small outlay, machinery could be installed which would admit of the manufacture of articles that could be sold to the other state institutions. Clothing and garments could be manufactured at a nominal cost for the use of the Insane Asylum and Boys' School, which could be purchased at a smaller cost than is now being paid for goods of perhaps inferior quality, and at the same time leave a small margin of profit for the penal institution, which would eventually result in lower taxation upon the people for the maintenance of such institutions.

If such a suggestion meets with the approval of the Legislature, the law should be carefully framed, so as not to admit of the possibility of such goods being placed on the open market.

I am unalterably opposed to the contract system."

3 Jan. '07, p.9-10

- e **Col. Buchtel.** "The need of work for prisoners in the penitentiary and in the reformatory and in all city and county jails is imperative. Nothing could be more cruel than our present plan of shutting up a prisoner where he can do no work. We can find plenty of kinds of work which prisoners can do without interfering with free labor. A prisoner should have the chance

to earn his own keep in the forenoon, and he should have a chance to earn a little honest money by his work in the afternoon. If he has any one outside dependent upon him, his work for them will regenerate him. You can not make so much as a beginning toward the salvation of a defective or a dependent man except through work which he performs with his own hands." 8 Jan. '07, p.30

f Fla. Broward. ". . . I would especially call your attention to that portion of his [Commissioner of Agriculture's] discussion of this matter which treats of the leasing of the aged, the decrepit and the young [convicts], and the separation of the sexes, and recommend such legislation by your body as will enable the Board of Commissioners of State Institutions to properly regulate this matter." 2 Apr. '07, p.38-39

g Id. Gooding. ". . . I feel that the best interests both of the state and of those who are confined in the penitentiary demand that you should provide some means of steady employment for the convict population of the state. I feel that the state can properly make some provision by which these people shall be given an opportunity to work at some useful occupation, and in this way in some measure take the burden of their own support from the shoulders of the taxpayers. The Capitol Building Commission has acquired title to valuable stone lands, which can be made to furnish excellent rock for building purposes. I would suggest that your body so amend the present statutes that materials from this quarry can be produced by convict labor and sold in the open market. The steady employment of these men, it must be admitted by all, would be conducive to the improvement of both their minds and bodies, and would have a tendency toward making them better citizens. . . ." 8 Jan. '07, p.19

h Ind. Hanly. ". . . The labor contracts at the State Prison will expire in 1910. If they are to be discontinued it is of the utmost importance that provision be made prior to that time for the employment of the inmates. I believe this can best be done by finding employment for them on state account. With this purpose in view the Board of Control of the Prison, with executive approval, purchased and installed a plant for the manufacture of binder twine, at a cost of \$32,174.40. . . . An excellent quality of twine is being manufactured. It can be placed upon the market at a less price than the trust product. I am convinced if the plant is properly developed and carefully managed that it will result in the regular employment of perhaps 100 of the inmates, in a profit to the state, and in a saving to the farmers of the state in the cost of twine used by them. . . ." 10 Jan. '07, p.43-44

i Mich. Warner. ". . . Assuming, then, that prisoners must be employed and employed within prison inclosures, we are

compelled to choose between the three systems by which this labor can be used; namely, the contract system by which the state receives a certain stated price per day for each convict; the piece price plan, where the amount paid is based upon the number of articles made, and the state account system, by which the labor is used by the state and the product sold by the state in the open market. Michigan's experience with the latter system has not been satisfactory, as a whole, although the instance where the greatest loss occurred was in a period of great business depression when private enterprises as well were not holding their own. I have secured, from different states, information relating to this whole subject which will be submitted to you later, with the belief that it will aid you in determining the best course to pursue in dealing with the bills which will be introduced. Manufacturing binder twine on state account has been a success so far as it has been established. Your attention is called to a recent report of the United States Labor Bureau upon this prison industry. . . . We have no factory of the kind in our state and hundreds would receive a direct benefit to one who could possibly claim to be harmed. I recommend that provision be made for the establishment of a binder twine plant at Jackson prison. . . ."

3 Jan. '07, p.15-16

j **Mich.** Warner. ". . . It should be borne in mind that the prison labor problem in this state is one which calls for immediate and intelligent solution. The recent decision of our Supreme Court makes it imperative for this Legislature to make some provision for the legal employment of the inmates of our prisons. The binder twine industry presents an opportunity to employ a number of these men with profit to the state and its citizens and without interference with any class of Michigan free labor. It was not to be expected that a proposition to instal in the state prison at Jackson a binder twine plant that will materially assist in the solution of the prison labor problem and at the same time be of vast financial benefit to a large class of Michigan producers would not meet with persistent and vigorous opposition from the binder twine trust."

7 Feb. '07, H.J. p. 184-88

k **Minn.** Johnson. "During the past two years the state prison twine plant has been materially enlarged; the output amounting during this period to 24½ million pounds. . . . In my message to the Legislature two years ago, I recommended that practically all of the labor of the prison should be devoted to this industry. I renew the suggestion that the plant should be still enlarged so as to increase the capacity at least 5,000,000 pounds annually. . . . There seems to be a feeling upon the part of our citizens in favor of making farm machinery at the state prison to compete with the trust; that is, the manufacture of such machinery as is now not made in the state. I believe a departure could be made along this line which would prove of great advantage to

354

the agricultural interests, and I would suggest that the management at least be authorized to investigate the feasibility with power to act. . . The state now is a party to a contract under the terms of which a large portion of the prison population is engaged in the manufacture of certain products which brings the labor of the state prison into active competition with the free labor of the state. I do not urge the abrogation of existing contracts, but I most earnestly recommend that provision as largely as possible be made by which all of the labor which now comes in competition with the state be directed into other and noncompeting channels. . . .” 9 Jan. '07, p.52-53

n Mon. Toole. “. . . May not the Board of Prison Commissioners, without violating the Constitution, work these prisoners in some noncompetitive occupation and unassociated with free labor, not only that they may help to pay the expense which the state has incurred in their prosecution, custody and maintenance, but that they may have that physical exercise necessary for health? If so, the necessary provision should be made therefor.” 8 Jan. '07, p.20-21

p N. C. Glenn. “. . . I do not believe that persons under sentences of over four years should go to the county chain gang; for the county authorities, even when they do the best they can, can not take the care of convicts that the state does; and so from exposure and hardships many of the long term convicts die. I recommend that you fix a limit, requiring all persons sentenced for four years to be assigned to the State's Prison.” 9 Jan. '07, p.37

q Or. Chamberlain. “. . . The present employment of convicts is healthful, the plant is installed and belongs to the state; it is the least dangerous to free labor of any of the prison employments where the manufacture of any commodity is engaged in, and the Legislature ought to undertake the work of dismantling the prison stove foundry plant with great caution. My own judgment is, having due regard to the taxpayers of this state as well as to the demands of free labor and the manufacturer, that whether provision is made for convicts on the roads or in some other manner, legislation to this end ought to be conservative rather than radical and ought to provide for increasing the employment of convicts in such new field as may be adopted for them without abandoning the present system at once, leaving large discretion to the executive. The purchase of rock quarries at one or more convenient places and the crushing of rock for public roads might be tried successfully and gradually extended, but in order to accomplish this an appropriation of sufficient amount to house and care for the convicts must be made. I submit this matter to your very careful consideration, and assure you that I have not found it one easy of solution.” 16 Jan. '07, p.34-38

CORRECTIONS

354

r **Vt.** Bell. “. . . The crowded condition at Rutland [House of Correction] should be relieved. I suggest an amendment to the present law so that short term sentences and fines for intoxication may be served out in the county where the conviction occurs, and that such prisoners be made to work out their sentences, on the roads and streets in summer and in chopping or sawing wood in winter. This is healthy, honorable work and would afford some return for their expensive burden to the community.”
4 Oct. '06, p.9-10

s **Wash.** Mead. “I recommend . . . the installation of additional machinery in the factory operated by convict labor at the state penitentiary for the manufacture of jute fabrics, so that the increased product may tend to regulate its price to Washington farmers.”
14 Jan. '07, p.30

357

County and municipal convicts

a **Ala.** Comer. “. . . The methods of hiring and working and treatment of county convicts have been criticized. I would suggest your investigation, and remedial legislation.” 15 Jan. '07, p.18

358

Roads

a **Wash.** Mead. “Owing to the inadequacy of existing laws a large number of the convicts in the State Penitentiary are unemployed. This condition is costly to the state and inhuman to the prisoners, utterly at variance with the dictates of common sense and sound business methods in the management of a penal institution. The act approved March 16, 1903, permitting convicts to be employed in preparing material for road construction, should be enlarged so as to permit the use of convict labor in improving and constructing highways in the more sparsely settled sections which otherwise would require state aid. Work of this character, in the open air and sunshine away from prison walls, will have a direct return to the public in the value of the roads constructed, but society at large will reap a richer reward indirectly through the reformatory influences on the prisoners. The same policy should be followed in the counties and the duty enjoined upon county authorities to provide labor on the county highways for the able-bodied men serving sentences in county jails for misdemeanors.”
14 Jan. '07, p.20-21

359

Disposition of goods

a **Ill.** Deneen. “. . . The Board of Prison Industries desires to enlarge the scope of the law to enable it to furnish school districts with furniture and to supply certain of the needs of municipalities. I recommend a consideration of their requests.”
9 Jan. '07, p.13-14

359

b Minn. Johnson. “. . . The National Cordage Company, a subsidiary corporation of the International Harvester Company, has commenced making twine from flax fiber in this state for the evident purpose of competing with the state product. To meet this situation and to protect the state interests, the law should most certainly be amended to permit the sale of the prison made twine outside of the state in order that we may meet any effort made by the twine trust to throttle our plant inside of the state lines. I would also suggest that the law be changed so as to allow the sale of twine to dealers after March 1, reserving 500,000 pounds to fill small cash orders direct to farmers. With the large increase in the output, it will be necessary to dispose of a large amount of the product through the dealers of the state, as a prudent business man will not wait longer than February or March to secure his twine. He should be allowed to place his orders early enough to meet his requirements and that of his trade. The law now in force restricting the dealer to sell twine at 1 cent profit per pound is ample protection to the farmer, and fair and equitable to all concerned. . . .”

9 Jan. '07, p.52-53

c Wash. Mead. “The policy and laws of the state debar the manufacture by prison labor of products that might come into competition with the free labor of the state. A provision of our law exists forbidding the shipment to other states, of goods manufactured by convict labor. Prison made goods from other states, however, are shipped freely into this state and are sold in competition with the product of our free labor. This condition is manifestly unfair. I am advised that federal legislation on the subject is pending in Congress to correct this injustice. A memorial upon the subject requesting restrictive legislation would be timely and might effect good results.”

14 Jan. '07, p.21-22

361

Criminal insane

a Me. Cobb. “In October of last year there were in confinement at the State Prison at Thomaston 25 patients of the class known as the criminal insane. Of that number 15 were serving unexpired terms of sentence, and ten were held by order of the court after their sentence had expired. The prison is no place for these unfortunates. Their quarters and opportunities for exercise there are necessarily very limited and inadequate, proper facilities for their comfort are altogether lacking, and it is impossible for the prison officials to give the specific care that the individual cases require. They should be under the immediate observation and supervision of physicians and attendants skilled in the treatment of the insane. . . . It is obvious that no provision should be made for the criminal insane in our present asylums, for their presence there would be a distinct menace to

CORRECTIONS

361

the welfare of the other inmates. They should have separate accommodations and the best of care consistent with public safety. The Arsenal grounds at Augusta seem to offer the best solution of this problem, and if a suitable building were erected there not only would the cost of administration, maintenance and attendance be reduced to a minimum figure, but we would all feel that even the claims of these mental derelicts were no longer ignored by a humane and watchful state." 3 Jan. '07, p.10

- b **Wash.** Mead. "All doubts should be set at rest by a proper amendment of the law defining the judgment to be entered where a person charged with a grave offense is acquitted under the plea of insanity. In such cases the person charged should be committed to an insane department of the state penitentiary, and should remain there during his natural life, or until such time as a competent tribunal or board of alienists, with the approval of the Executive, shall direct his discharge." 14 Jan. '07, p.25

363

System of sentencing and reform

Capital punishment, see 229

367

Discharge

- a **Col.** McDonald. "I am also in favor, when prisoners are paroled from the State Penitentiary, of giving each one a suit of clothes and \$5. . ." 3 Jan. '07, p.11

370

Indeterminate sentence

- a **Cal.** Pardee. "There are two good ways of lessening the congestion consequent upon having too many prisoners and too few cells to put them in, aside from constructing additional prison quarters for them. One of these is the extension of the parole system, and the other is to enact a prudent indeterminate sentence law. Both of these will require additional legislation to put them into operation. . . . To make the parole system effective there must be a parole officer connected in some intimate way with each prison. He must know the prisoners, not only as prisoners but as men, and must make himself familiar with their pre-prison history. Then he must follow, helpfully, those who need help while out on parole. . . . There must be a degree of punishment that will prove a deterrent factor in the conduct of the criminally disposed. This attained by a minimum sentence, the best thought of prison discipline should be to return the prisoner to society as soon as may be with due regard to social safety. This the indeterminate sentence permits to be done by allowing the prisoner to work out his own liberation by good conduct and remedial effort. . . . I think it time to inaugurate the indeterminate sentence system in California. . . ." 7 Jan. '07, p.18-19

371

Juvenile offenders

See also 346, Reform schools; 2172, Children

- a **Ala.** Comer. “. . . I strongly recommend sufficient appropriation to secure dormitories and facilities for the keep of all the youthful criminals, and it will in the end, if there be anything in the axioms of life, be much more economic and upbuilding to the state, speaking on surface grounds alone, than to let them go on with the associations of adult and hardened convicts of the state.” 15 Jan. '07, p.19-20
- b **Fla.** Broward. “. . . The needs of the State Reform School, located at Marianna, should receive your careful consideration, with the end in view that this institution be made really a reform school and not a juvenile prison; and that such labor and work as is imposed upon its inmates be imposed with a view to their industrial training and equipment, rather than a means of revenue, and in this connection the advisability of the creation of juvenile courts to deal, especially in the larger cities, with juvenile offenders should be considered. Much interest in this matter is aroused throughout the state, and whatever aid is practicable should be given to the movement.” 2 Apr. '07, p.39-40
- c **Id.** Gooding. “. . . Another law passed by the last session of the Legislature provided for the care of delinquent children. Not so much has been accomplished by this law as had been hoped for. While it is an excellent measure, I feel that to put it into effective operation there must be provided in some way a paid probation officer. Every large city in Idaho should have such an officer, whose duty it should be to give all his time to the care of delinquent children. . . .” 8 Jan, '07, p.7-8
- d **Mo.** Folk. “. . . I recommend the enactment of a Juvenile Court law in accordance with the experience of this and other states, with a special judge to look after the juvenile offenders. The majority of these children can be kept from becoming criminals under a wise administration of a juvenile law.” 2 Jan. '07, p.19

371(3

JUVENILE COURTS. JUVENILE PROBATION

See also 374, Probation

- a **Cal.** Pardee. “. . . Neither of the schools [juvenile reformatories] above mentioned is maintaining parole officers. I regard this as an error, and strongly recommend that the Legislature not only require the maintenance of such officers, but provide therefor in a financial way. . . .” 7 Jan. '07, p.24-25
- b **U.** Cutler. Recommending changes in the Juvenile Court law and transmitting recommendations of the Salt Lake City Juvenile Court Commission. 22 Jan. '07
- c **Wy.** Brooks. “. . . Four recommendations for pardon have been made in cases of juvenile delinquents serving sentences in the Colorado State Industrial School at Golden, Colorado. In

CORRECTIONS

this connection, attention is called to the fact that there is no other means of discharging from said school the Wyoming pupils than that of pardon by the Governor. In the case of Colorado pupils in said school, they can earn a parole by good behavior, and can be granted a release from the school under such parole by the superintendent without action of the Governor. It is believed that an amendment to our laws, whereby pupils committed to the Colorado school from this state may be paroled in the same manner as the Colorado pupils would be advisable. Juvenile delinquents sent to this school are not criminals, and it is not believed to be the intent of the law or the courts that their punishment should be any greater than is necessary to correct their habits of life and educate them in such manner that they may become industrious and useful citizens. When their education has reached this point they should be given an opportunity to profit by such education and become self-supporting."

10 Jan. '07, p.28-29

372

Parole

- a **Col. McDonald.** ". . . A great deal more could be accomplished by the enactment of a law providing for the appointment of a parole officer, whose duty it should be to keep track of the paroled prisoners, help them secure employment and assist them in every way possible to keep the provisions of their parole. This official should be appointed by the wardens of our two institutions and the Board of Penitentiary Commissioners, and should be under their absolute control and direction. I am heartily in favor of the enactment of such a law and sincerely hope it will be passed by this Legislature. . . ." 3 Jan. '07, p.10-11
- b **Col. Buchtel.** "The need of parole officers to help discharged prisoners to find their way back into honorable occupations is imperative. . . ." 8 Jan. '07, p.30
- c **Kan. Hoch.** ". . . I recommend that the trial judges have the power to issue parole immediately after sentence has been imposed, in cases in which they think it wise to do so. Every trial judge of much experience on the bench has been compelled by the demands of the law to send men to the penitentiary when the ends of justice and the two primary purposes of penalty alluded to above would have been better subserved by the suspension of prison sentence herein recommended. . . Let him be subject to all the present conditions of the parole law, compelled to report to the present parole officer, and be subject to incarceration whenever he violates his parole, but give deserving and hopeful offenders another chance." 8 Jan. '07, p.12-13
- d **Mo. Folk.** ". . . I believe the parole law should be further extended by removing the age limit for persons convicted of felony and have it applied to first offenders in the discretion of the court. . . ." 2 Jan. '07, p.19-20

372

e **Mon. Toole.** “. . . An enlightened public sentiment has evolved a parole system by which these first offenders may be released upon certain conditions, and the system has never been abandoned when adopted. Such a philanthropy makes no compromise with crime—has no sympathy with the morbid sentiment which is offended at the just punishment of a felon, but seeks to make that punishment a means of good, while the offender is yet young enough in strength and character to earn a place among his countrymen as a self-supporting member of the community. . . . For such the parole system is helpful. I commend the whole subject to your wise and discriminating judgment.”

8 Jan. '07, p.21-22

f **Wy. Brooks.** “Our laws should . . . permit the paroling of prisoners at the penitentiary.”

10 Jan. '07, p.29

373

Pardons

a **Del. Lea.** “I recommend that you enact such measures which shall provide for recording in the office of the Secretary of State of all remissions of fines and forfeitures, reprieves, commutations of sentences and pardons and that such record or a duly certified copy thereof shall be admitted as evidence in the courts of this state.”

1 Jan. '07, p.15

b **Ind. Hanly.** Recommends abolishment of Board of Pardons as being powerless under the Constitution and appointment of pardon clerk instead.

10 Jan. '07, p.32-35

374

Probation

See also 371, Juvenile offenders

a **N. Y. Hughes.** “The value of the probation system is well recognized, but the system requires perfecting. There is need of careful and sympathetic study of the matter, for the advantages which it promises cannot be had unless a practical statutory scheme is worked out and is carefully administered.”

2 Jan. '07, p.27

375

CIVIL LAW

Civil Code and Code of Civil Procedure

377

Property

379

Real property

381

Tenure. Titles

See also 748, Special actions; 1274, Prescriptive rights (railroads); 2739, Prescriptive rights (roads)

382

Eminent domain. Condemnation proceedings

See also 1361, Street railways

a **N. Y. Hughes.** “The delays and expense incident to condemnation proceedings have been the occasion of much just criti-

LIENS AND MORTGAGES .

cism. It should be possible to devise a plan by which the appraisal of the value of land taken for public uses can be made by a permanent body with fixed compensation. This would be in the interest of economy and dispatch, and would tend to put an end to abuses which have too frequently existed in the past."

2 Jan. '07, p.28

383

Escheat

- a Or. Chamberlain. "One of the disputable presumptions under our statute is, that a person not heard from in seven years is dead. Most of the banks in this state have been doing business for a much longer period than seven years, and it is safe to say that there are many thousands of dollars held on deposit in open accounts or on certificates of deposit against which no checks have been drawn, or where the certificate holder has not been heard from for periods far in excess of seven years. Moneys so situated should be escheated to the state but the difficulty lies in procuring the information necessary to institute proceedings for this purpose. To overcome this difficulty the statute hereinafter referred to should be amended so as to compel all banking institutions to furnish to the Executive or to the State Treasurer, annually, reports under oath showing all accounts which have been dormant for a period of seven years or more. . ."

16 Jan. '07, p.27-28

392

Conveyance

See also 405, Mortgages; 835, Tax on deeds

398

Torrens system

- a Wis. Davidson. "Our present system of transferring land titles has become exceedingly complex. . . It is significant that many leading American states have adopted the 'Torrens system' as a simplification of title transfers, while such a system has been in vogue in European countries for many years. Massachusetts, Illinois, California, Oregon, Washington, Montana and Minnesota have revised their systems to secure greater simplicity and safety in transfers. . ."

10 Jan. '07, p.51-52

405

Liens and mortgages

406

Foreclosure. Redemption

- a N. D. Sarles. "I believe that portion of the present law permitting foreclosure of mortgages on real estate by publication should in addition to the publication require notice upon some party interested as owner, guardian, trustee, or other person in interest when possible, to avoid the possibility of holders of mortgages obtaining title secretly, as is possible at present in some remote districts, by advertising in papers with small circulation."

9 Jan. '07, p.12

453

Contracts and other obligations

See also 835, Tax on deeds and contracts

461

Money. Interest. Usury

- a** **U. Cutler.** "Although the legal rate of interest in Utah is 8% per annum, when not stated in an obligation, there is no means of preventing a creditor from charging any rate he may be able to exact. As a result, much hardship and suffering has been entailed upon individuals who by misfortune or lack of thrift have been forced to the necessity of making chattel or salary loans. I am strongly of opinion that a law should be enacted fixing 8% per annum as the legal rate of interest, allowing as at present the lending of money at a lower rate than this, but prohibiting the charging of a higher rate. In order that it may be effective, I recommend that this act be made unmistakable in its provisions, defining usury and the penalty for it, and making the penalty severe enough to prevent the exactions which have been practised through the urgent needs of the poor."

15 Jan. '07, p.43-44

- b** **S. D. Elrod.** "Interest rates should be lowered. It is a bad advertisement and our laws ought not to permit a contract to be made making it lawful to charge 12% interest. Bankers ought to lead in reducing the rate of interest."

8 Jan. '07, p.41

464

Negotiable instruments

See also 1596, Legal holidays

- a** **W. Va. Dawson.** Uniform negotiable instruments law.

8 Jan. '07, p.83

468

Torts

See also index under Damages to property

471

Personal injury

See also 1315, Railroads; 2125, Employers liability

- a** **Ala. Comer.** "I recommend the enactment of a law which will give the citizens of this state the same or equal protection in claims for damages on account of injury or death that citizens of this state now have by law in claims for damages on account of injury to cattle and things."

15 Jan. '07, p.12

- b** **Mich. Warner.** "I have heretofore made public announcement of the conviction that the results of the practical operation of the so called limited liability and change of venue laws, enacted by the last Legislature, have been such as to greatly disappoint many who favored their enactment. Both of these laws were enacted in good faith, but I am convinced that they should be either radically amended so as to remove all just objections, or repealed."

3 Jan. '07, p.8

Libel. Slander

a Fla. Broward. “. . . We have some newspapers that do intentionally print misinformation about public affairs, . . . and that do wilfully slander, by publishing false statements about candidates for office . . . and which papers also publish false statements about public officials, with a view to destroying the confidence of the public in them . . . and there are so called news bureaus, organized for the purpose of printing and sending out false literature against the public good. . . I recommend that it be made a misdemeanor for any person or persons to circulate, through a news bureau, or newspaper, any literature bearing false information to the public, upon any public question, and to make it a misdemeanor for any person to maliciously print any misstatement or falsehood about any candidate, or about any public official, which tends to destroy the confidence of the people in the candidate or officer; and that the publication or distribution, or either, be made *prima facie* evidence of the intention of the person or persons so publishing or distributing the same. . . We take every precaution to preserve free from misinformation, or any influence which will prevent a true and just verdict, the juries in our courts. Shall we not also take care that that great jury, the people, to whose verdict—public opinion—all must bow, shall not be misinformed and deceived by designing interests. . . And I further recommend that a statute be enacted making public mendacity a misdemeanor and punishing any newspaper writer or editor or publisher who deliberately and intentionally writes or publishes an article that is untrue, and making the public printing of an untruth *prima facie* evidence of the misdemeanor.” 2 Apr. '07, p.64-70

b U. Cutler. “While I am strongly in favor of safeguarding the freedom of speech and of the press, yet there is one respect in which I think the present law of libel should be amended. I refer to the common custom of the newspapers and of public speakers, especially in the heat of political campaigns and at other times of general excitement, of misquoting the remarks of opponents, attacking the character of honorable people, giving misleading reports of public meetings, and so on. I will also include the custom of certain disreputable journals of causing to be published spurious letters or utterances attributed to individuals, and using these as a basis of attack and misrepresentation, intended especially for foreign consumption. I am safe in saying that any community in which this work goes on is irreparably injured thereby in reputation and finances. I would recommend such amendments to the present law as will reach these cases with severe penalties, while encouraging a bold and fearless stand on the part of public prints that are bent on supporting the right, and punishing crime, whether public or

private. Unfortunately, the publishers of many of these disreputable prints are financially irresponsible; and on this account I suggest that the law of criminal libel be given broader scope and made capable of freer interpretation, in order to reach cases worthy of punishment, but out of reach of the civil act on account of the impecuniosity of the people involved. Any enactment on this subject must be carefully drawn, in order that it may stand the most rigid tests in the courts. But I would favor your going as far as the Constitution of the state and the statutes of the United States will permit, in providing punishment for this abuse of the power of the press." 15 Jan. '07, p.42-43

474

Family

476

Marriage

See also 264, Crimes against public morals and the family

477

Parties. Age

- a U. Cutler. "Pending the adoption of uniform laws on marriage, I urge the amendment of the present law so as to prohibit the marriage of first cousins. . . ." 15 Jan. '07, p.22

478

License

- a R. L. Higgins. ". . . Stricter regulations should be adopted concerning the identification of persons applying for marriage licenses. In many states such applicants must be personally known to the officer issuing the license. I believe that such provision should be made in this state, or a provision requiring that the marriage certificate should certify that the parties are personally known to the person marrying them." 3 Jan. '07, p.18

480

Divorce

- a Ct. Woodruff. "I recommend such legislation in this state as will authorize the courts to grant judicial separation, either permanent or for a limited period, in place of absolute divorce where such relief seems more appropriate to the case. . . . Another important recommendation is that a divorce judgment should not become absolute until one year after the first decision, either party having the right meanwhile to apply to have such judgment set aside. . . . Legislation providing in what cases divorces obtained in other states without personal service will be recognized in this state should also be adopted. It appears that a divorce decree may be valid in one state and not in another, so that a man may be lawfully married in one jurisdiction and not in a neighboring state." 9 Jan. '07, p.15-16

FAMILY

480

- b Del. Lea.** “. . . I recommend that the proposed law [uniform divorce] or so much thereof as may be practicable under our judicial system, be enacted into law in this state. . .”
1 Jan. '07, p.19-21
- c Mass. Guild.** “. . . I suggest an examination of the laws restricting divorce by collusion, adopted by other states. I suggest to you the propriety of giving the power and means of at least investigating all uncontested divorce cases to some public official in each county. . .”
3 Jan. '07, p.30-31
- d Minn. Johnson.** “. . . The ease with which some states permit annulment of marriages and divorces has come to be an American scandal, and it is earnestly hoped that there will be a complete cooperation by all of the several states of the Union on this important question. At the congress named, Minnesota was represented by a duly accredited representative, who assisted in the preparation of a proposed uniform statute covering this question. Copies of this proposed statute will be submitted to this body, and your earnest consideration of the matter is desired. I trust that Minnesota will be among the first states of the Union to put herself right on this important question.”
9 Jan. '07, p.46
- e N. J. Stokes.** “One of the most formidable perils which menace the social order of our country today is the prevalence of easy divorce. . .”
8 Jan. '07, p.21
- f N. M. Hagerman.** “. . . There can be no doubt as to the great desirability of uniform laws throughout the United States in regard to this [divorce] and some other important subjects, nor is there any doubt the proposed law is better than that now on the statute books of this territory. I strongly recommend that both the laws proposed by the National Congress on Divorce be given serious consideration by the Legislature, and that they be passed as nearly as possible in the form recommended as may be found consistent with the special needs of this territory.”
21 Jan. '07, p.41-42
- g N. D. Sarles.** “Through a national association it has been recommended that the various states adopt uniform laws governing marriage and divorce. This recommendation is worthy of your serious consideration.”
9 Jan. '07, p.10
- h Pa. Pennypacker.** “. . . The Pennsylvania Commission have prepared (1) a codification of the existing laws of the state upon the subject of divorce, (2) a new code embodying the provisions of the statute adopted by the congress, and (3) details relating to procedure, alimony and other matters peculiar to our jurisdiction which they recommend as a substitute for the existing laws and which they believe would correct many inconsistencies and incongruities. These recommendations are submitted for your careful consideration.”
1 Jan. '07, p.9-10
- i S. D. Elrod.** “. . . All will admit that divorces are too easily obtained in South Dakota and the fact is before you.”
8 Jan. '07, p.42

480

- j U. S. Roosevelt. "I am well aware of how difficult it is to pass a constitutional amendment. Nevertheless in my judgment the whole question of marriage and divorce should be relegated to the authority of the National Congress. At present the wide differences in the laws of the different states on this subject result in scandals and abuses; and surely there is nothing so vitally essential to the welfare of the nation, nothing around which the nation should so bend itself to throw every safeguard, as the home life of the average citizen. . ."

3 Dec. '06, p.29

496

Support of family

See also 2151, Support of pauper; 2203, Support (insane)

- a Ia. Cummins. "I repeat my recommendation of a year ago, with increased emphasis, if that be possible, in favor of a law that will make it a crime for a man to desert his family without cause, and to refuse to support, without good reason, his wife and children. . ."

14 Jan. '07, p.14

500

Corporations

See also 841, Corporation taxes; 1200, Transportation; 1679, Banking; 1732, Insurance; 2627, Municipal utilities

- a Ia. Cummins. ". . . It seems to me that one of the imperative demands of the time is to require the articles of incorporation of every corporation hereafter organized to be approved by some tribunal, such as the Executive Council, with the Attorney General added, before they are permitted to be filed. Even this measure of supervision would prevent the establishment of a large number of associations either unlawful and fraudulent in their purpose or imperfect in their plan of organization. . ."

14 Jan. '07, p.18-19

- b N. C. Glenn. ". . . Many corporations . . . are now buying up vast boundaries of land, and unless some check is placed upon the amount they may hold, our people will soon become tenants on their former lands. I recommend the reenactment of the old law, even making it stronger, forbidding any corporation, except those exempted, from either directly or indirectly buying and holding at any one time more than three hundred acres; and as to the exempted corporations in section 666 and its amendments, they should hold their lands only for the specific purpose for which they were created, and not for the purpose of dealing in realty. Let, also, penalties and forfeitures be attached to any corporation violating this law."

9 Jan. '07, p.17-18

- c U. Cutler. "Under the present laws, not a large enough discretion is left with the Secretary of State to refuse to accept and file articles of incorporation and issue a permit for a concern to do business in the state, if it pays the filing fee. The Attorney

CORPORATIONS

500

General recommends that a greater discretion be given the secretary, to refuse or delay filing the articles and the issuing of permits, pending investigation as to the character of a corporation which he has reason to believe is unsound or of otherwise questionable character. I approve this suggestion, provided the action of the secretary is subject to appeal to such body as you may designate as the proper one to exercise final power in the premises." 15 Jan. '07, p.26

- d Vt. Proctor. "Corporations are the largest subject of special legislation. . . Such legislation arises somewhat from the tendency to seek special privileges but it is due more to the fact that our general laws with respect to the organization of corporations, both public and private, are not sufficient and complete. . . Corporations as a means of doing business have existed for centuries. They are necessities. The right to form them under proper restrictions should be equally free to all, but they should be equally subject to uniform provisions. . . I recommend such a revision of our general corporation laws as will bring them up to date. Their terms and conditions should be liberal but just and reasonable. It is right and proper that the state should receive, as it does, a reasonable fee for charters, but no laxity in the corporation laws should be permitted, as is done in some states, for the sake solely of revenue. When our corporation laws have been thus amended applicants for charters, except in extraordinary cases, should be left to the use of its provisions and the time now occupied by Legislatures in the consideration of private corporation measures can and should be given to public business." 4 Oct. '06, p.15-16

507

Supervision. Reports

- a Mo. Folk. ". . . Every corporation should be required to furnish each stockholder with a balance sheet of its business once a year, and should file this, together with the name and address of each stockholder with some state officer, to the end that publicity may be given to its affairs. The domestic corporations of this state are capitalized, in round numbers, at \$879,000,000 with \$805,000,000 paid up. Outside of the first payment of incorporation fees of \$50 for the \$50,000 of capital stock, and \$25 for each \$50,000 thereafter, they pay nothing at all to the state for the privileges given them. There should be an annual tax in the nature of a privilege tax of say 1/15 of 1% on the capital stock of all corporations, both domestic and foreign, doing business in this state. The charter rights given are valuable, and this annual tax would be only a fair return to the people. On the other hand, it is not heavy enough to put a burden upon any corporation that is actually doing business. The number of corporations, domestic and foreign, doing business in this state, has been given. These have reported to the Secretary of State. How many there are doing business here that have never reported to the Secretary of

State there is no way to ascertain. There should be a department of corporations, so that every application for a charter can be rigidly inquired into, and to see to it that the use of the charter granted is not abused. These interests are certainly large and important enough to be under the care of a special department. This department should collect the tax spoken of, as the insurance department now collects the annual tax on insurance companies. This department should be authorized to inquire into the actual cost of corporate property in the case of public service corporations, to examine books and fix the rates to be charged the public upon the basis of a reasonable return on the value of the property. Speculation in products and doing business other than authorized by law, should be checked by this department. With the immense growth of public service corporations it has become necessary for the state to exercise the right to regulate their charges in order to prevent extortion from the public. The legality of regulating the rates of such corporations is clear. A corporation controlling public utilities is not permitted by common law to charge unreasonable rates. To determine the unreasonableness of rates the department or a commission should have power to inquire into and determine the actual amount invested in such corporations, and to fix the rates, such as concern the charges to the public, on a reasonable basis, allowing, of course, a fair return for capital, labor, skill and genius. The result of this should be to eliminate fictitious values." 2 Jan. '07, p.22-24

b Tex. Campbell. ". . . To insure 'greater publicity and a greater measure of protection to creditors and stockholders' and to aid in the enforcement of existing antitrust laws, I suggest briefly for your consideration:

1 A comprehensive law giving the Attorney General, or his authorized assistant or duly accredited agent or representative, for the purpose of investigation, full and free access to all the works, plants, offices, books, vouchers and papers of any corporation doing business in Texas, whether under charter granted by the state or by permit, and without reference to whether such works, plants, offices, books, vouchers and papers are situated within this state or out of it.

2 A law authorizing the Attorney General to issue his subpoena, directed to any officer of this state authorized to execute similar process, or to any agent appointed by him in any other state, commanding such officer, if in Texas, or such agent, if out of the state, to summon any president, director, other officer or agent of any corporation doing business in Texas, either under a charter or permit, to appear in person before the Attorney General or before any judge of a court of record in Texas, and make true answers to all questions propounded to him pertaining to the subject-matter then under consideration and to produce all books, vouchers, contracts and papers that may be called for

CORPORATIONS

by any subpoena issued by the Attorney General. As an appropriate and effective remedy for failure to obey such subpoena I would suggest as a penalty a provision for the forfeiture of the corporation's charter or permit to do business in Texas, and for a lien upon all the assets of the concern in this state to secure the payment of whatever penalties may be recovered for violation of this or any other laws of the state.

3 A law to prevent the abatement of suits for forfeiture of charter or permit and for penalties by a simple dissolution of the corporation.

4 A law with adequate penalties requiring the managing officers of all corporations in arrears for more than 60 days on its pay rolls, or having indebtedness to employees or to creditors having priority or a statutory lien, to make full report of same, under oath, to the Attorney General, and also to the trustees or mortgagees named in any deed of trust or mortgage that may be subsisting against the property and franchises of the corporation."

16 Jan. '07, p.11-12

509 Capital. Shares. Debts. Property

a Ari. Kibbey. ". . . At an expense of a few dollars, a corporation can be created and organized under our laws, at any 'capitalization' that the promoters may choose, and the provisions as to paid-in capital are so loose that it is not really necessary that the actual capital shall ever be any thing but nominal. Thousands of corporations thus formed are doing business in all parts of the United States, and the absence of restrictions on our part affords unlimited opportunities for frauds upon investors in the shares and upon creditors of such corporations. . . I recommend that you carefully revise the law for incorporations, and that you fix a franchise tax to be collected from all corporations upon their formation in this territory."

22 Jan. '07, p.60-61

b Fla. Broward. "A law regulating the issue of stocks and bonds by corporations, modeled upon that of those states where it is in successful operation, should be passed by this Legislature."

2 Apr. '07, p.23

514 *Increase or reduction of capital*

a Ala. Comer. ". . . I suggest a law that in the reorganization of any road or public service corporation, or in the building or erecting of any new road or public service corporation, that the amount of securities that may be issued against its properties must be submitted to a commission with the proper authority to cause a survey of the property or properties, with reference to the proposed valuation, and that such valuation be limited to the result of that survey or report, and no securities shall be issued against those properties without the authorization of that commission. I recommend laws prohibiting the increase

514

of capital stock or securities by railroads and other public service corporations doing business in this state, unless the proposed increase of said stock or securities be first submitted to the railroad commission of the state, or other proper authority, and approved by said commission or said authority." 15 Jan. '07, p.6-7

b Ct. Woodruff. "The custom of certain incorporated companies that from time to time issue new stock is so unfair that public attention has been aroused, resulting in severe but just criticism of the laws which make such injustice possible. As a remedy for this complaint I would advise the present Legislature to amend the statutes controlling corporations, so that public service corporations that desire to increase the amount of their capital stock shall be compelled to issue such additional stock at its market value or at a price to be determined by some board or commission designated by law, making one uniform price to all—instead of offering it first to stockholders at par value, although it may be sold or offered in the market at a higher quotation." 9 Jan. '07, p.8

c Ia. Cummins. ". . . I reiterate my recommendation that no capital stock should be allowed to be issued until some state authority had made examination, and until it has been satisfactorily shown that it had been paid for, either in money or in property, at a fair value. . . ." 14 Jan. '07, p.19

523

Dissolution. Insolvency

See also 1743, Insurance

a Tex. Campbell. Urges submission of constitutional amendment defining insolvent corporations and prohibiting same from doing business in the state. 16 Jan. '07, p.6-11

525

Foreign corporations

See also 1689, Banking

a Ala. Comer. ". . . I recommend laws requiring any corporations whatsoever, before doing business in this state, to become domestic corporations in accordance with our laws, and I recommend that suitable and liberal laws for their domestication be enacted." 15 Jan. '07, p.11

b W. Va. Dawson. ". . . The Secretary of State and the Auditor both make recommendations concerning the amendment of the new law pertaining to the appointment of statutory attorneys by nonresident and foreign corporations. The old law and the new law should be put into one, and their provisions harmonized. I see no necessity for recording the powers of attorney in the county clerk's office, but there should be a complete list of these powers of attorneys somewhere, and I indorse the recommendation of the Secretary of State that all these powers of attorneys should be listed in his office; this would be a great con-

MONOPOLIES

venience to attorneys throughout the state. The recommendation of the Auditor that each corporation at the time of procuring its charter or of receiving a certificate authorizing it to do business in this state, should pay the fee for the services of the statutory attorney, is a good one." 8 Jan. '07, p.101-2

589

Combinations and monopolies

See also 1272, Railways

- a **Cal.** Pardee. "The control and regulation of industrial trusts is a subject which deserves to engage the attention of the Legislature during the present session. In this connection I desire to direct special attention to the antidiscrimination law adopted in Kansas two years since, and which is so entirely sane and evidently just that it appears to be a model for California and other states. It is directed against one of the most common practices of the trusts, consisting of selling the same products at high prices when no competition exists, and at other times, or in other places, at prices so low that competition is speedily crushed out. The law in question provides that it shall be adjudged 'unfair discrimination' and a penal offense if any person, firm, or corporation shall intentionally, for the purpose of destroying the business of a competitor in any locality, discriminate between different communities by selling a given commodity at a lower rate in one place than in another, after making due allowance for difference in cost of transportation or manufacture. The offense of unfair discrimination thus created is made punishable by a fine of from \$500 to \$5000, and contracts made in violation of the law are declared void. . ." 7 Jan. '07, p.47-48
- b **Col.** McDonald. ". . . The question of proper legislation on this subject [trusts] is one of the vexatious problems confronting most of the states, although some have taken the initiative and have placed remedial legislation on their statute books. The Ohio law is looked upon as one of the best, and it has stood the test of judicial determination. I therefore recommend that you look into the merits of that law very carefully. . . Any legislation along this line should clearly define a trust, illegal or unlawful combination in restraint of trade and competition, and should give the Attorney General power to bring quo warranto proceedings against such unlawful combination. . ." 3 Jan. '07, p.15-16
- c **Ind.** Hanly. "There is need of legislation conferring upon the Attorney General authority to proceed against unlawful combinations. . . There should be legislation relating directly to the subject of trusts or combinations of capital having for their purpose the elimination of competition or the control of prices. This legislation should be along the lines of the federal statutes upon this subject in so far as they are applicable to conditions in this

589

state. These laws have been construed by the federal courts, and have been found to be effective wherever those charged with the duty of enforcing them have in good faith sought their enforcement." 10 Jan. '07, p.62

d Mo. Folk. ". . . In order to protect the independent dealers, and to prevent such discrimination, I recommend the enactment of a statute prohibiting a concern or corporation from selling higher in one part of the state than in another, cost of transportation being taken into consideration. . . I would suggest an amendment to the antitrust laws of the state adding a prison punishment for their violation. The result of a violation of the trust laws in creating monopoly and destroying competition is too serious to permit one to escape with a mere fine which can easily be paid out of a small part of the proceeds of lawlessness. It should be just as serious an offense to violate the anti-trust laws as it is to violate the larceny statutes."

2 Jan. '07, p.21

e Mo. Folk. ". . . It is the province of the General Assembly to put an end to this wrong by preventing one corporation from owning stock in another, and authorizing quo warranto proceedings to be filed to dissolve any corporation a majority of the stock in which is thus acquired by a holding company. . ."

2 Jan. '07, p.25-26

f N.D. Sarles. "H. B. no. 178, 1905, antitrust law, is an exact copy of a law declared unconstitutional by the Supreme Court of the United States because of section 10 (sec. 9238, 1905, Code) . . . I recommend the repeal of section 10 . . . that it may be operative and effective."

9 Jan. '07, p.11

g U.S. Roosevelt. ". . . In some method, whether by a national license law or in other fashion, we must exercise, and that at an early date, a far more complete control than at present over these great corporations—a control that will among other things prevent the evils of excessive overcapitalization, and that will compel the disclosure by each big corporation of its stockholders and of its properties and business, whether owned directly or through subsidiary or affiliated corporations. This will tend to put a stop to the securing of inordinate profits by favored individuals at the expense whether of the general public, the stockholders, or the wage workers. Our effort should be not so much to prevent consolidation as such, but so to supervise and control it as to see that it results in no harm to the people. . . The actual working of our laws has shown that the effort to prohibit all combination, good or bad, is noxious where it is not ineffective. Combination of capital like combination of labor is a necessary element of our present industrial system. It is not possible completely to prevent it; and if it were possible, such complete prevention would do damage to the body politic. What we need is not vainly to try to prevent all combination, but to secure

COURTS

such rigorous and adequate control and supervision of the combinations as to prevent their injuring the public, or existing in such form as inevitably to threaten injury. . ." 3 Dec. '06, p.19-21

590

Administration of justice

591

Practice of law

See also 675, Public prosecutor

595

Compensation. Fees. Liens

- a S. D. Elrod. ". . . Paragraph 414 of chapter 15 of the Code of Civil Procedure should be amended so as to allow the attorney foreclosing a mortgage a reasonable fee for his services." .

8 Jan. '07, p.42

600

Courts

Names and general organization of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries.

- a Mo. Folk. ". . . On account of the increase of business incident to the growth of the state, the Supreme Court is several years behind; and as business increases the condition must become worse as time goes on. This works an injustice to litigants, especially to the poorer classes. The number of supreme judges can not be increased except by constitutional amendment, but the court can be enabled to catch up with the docket through a commission that you can authorize the court to appoint. I suggest that such a commission be provided for, in order that all who seek may find justice speedily." 2 Jan. '07, p.37-38

- b N. J. Stokes. "At the session of 1905 an act was passed providing for the appointment of a commission to take into consideration and report to the Legislature proposed amendments to the Constitution relative to the courts of New Jersey. . . Our judicial system was devised to meet the requirements of 60 years ago. . . There will be differences of opinion as to the proper remedy. A large majority of those who have given this matter conscientious thought believe that the plan proposed by the commission will remedy our present judicial ills. I earnestly commend this subject to your thoughtful consideration with a view to submitting to the people such constitutional amendments for the reorganization of our courts as will enable this department of government to proceed unhampered in its administration of justice." 8 Jan. '07, p.22-24

603

Reports. Reporters

- a Tex. Lanham. ". . . At the instance of the Attorney General, I suggest the necessity of authorizing the printing of the volumes of the reports of the appellate courts, of which manu-

script copies are now ready and in the hands of the reporters, and making the necessary appropriation for such purpose; also authorizing the making of the necessary contracts for the printing and publication of other and subsequent reports as is required by law." 10 Jan. '07, p.22-23

605

Supreme courts

Including only those highest in state of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

- a **Neb. Mickey.** "I recommend that you submit to the electors an amendment to the Constitution providing for a Supreme Court of five members, to be increased to seven members as the public service may require and at the discretion of the Legislature, at a salary in proportion to the responsibility and dignity of the office . . . The people need the relief which a larger court would afford and I believe that for the present five members could hear and determine all the cases. . ." 3 Jan. '07, p.21-22

- b **S. C. Ansel.** ". . . The space allotted in the State House for the use of the Supreme Court has all been taken up with the library and records, except one consultation room and the court room. I respectfully ask, that you look into this matter and provide for the necessities of the court in this regard."

15 Jan. '07, p.9

- c **W. Va. Dawson.** Asks for legislation to lighten the work of the Supreme Court and for higher salaries for judges of that court.

8 Jan. '07, p.79-80

606

Officers

- a **S. D. Crawford.** ". . . I earnestly recommend that this office [clerk of the Supreme Court] be put upon a salary basis; that a fee bill be enacted and that the officer be required to give an official bond and to strictly account for all fees collected and to pay the excess over and above his salary into the state treasury. . ." 8 Jan. '07, p.11-13

Reports. Reporters, see 603

609

Intermediate courts

For officers and judges *see* 657-94; *see also* 371(3, Juvenile courts; 373, Pardons

- a **W. Va. Dawson.** ". . . Under the Constitution as it now is (at least as it is generally construed), a court inferior to the Circuit Court can not be created with jurisdiction beyond a single county. There is good reason why the Legislature should have authority to establish such inferior courts, especially a Criminal Court, in a circuit consisting of two or more counties."

8 Jan. '07, p.79

COURTS

609

b Wy. Brooks. Urges redistricting of judicial districts.

10 Jan. '07, p.16

645

Inferior courts

a N. Y. Hughes. ". . . I am informed that the City Court of New York is three years behind in its regular calendar, so that unless a case is of such a nature that it can be put upon the short cause calendar it takes three years to reach it for trial. This is a shocking injustice. In the Municipal Court in the borough of Manhattan, there are undisposed of 6543 cases on the general calendars and 8789 cases on the reserved calendars, with the figures missing for two districts which themselves have a very large accumulation of arrears. It is doubtful whether any court in the country affects the welfare of more persons. It is the poor man's court, where justice should be speedy, but delays of this sort amount to a denial of justice and breed disrespect for the law and its administration. . . I ask your careful consideration of this matter."

2 Jan. '07, p.27-28

b Vt. Bell. ". . . A law is recommended to provide against the unreasonable practice of continuing cases in County Court without cause. The County Court docket should be a new book from term to term, and not a continued story."

4 Oct. '06, p.6

653

Justice of the peace

a W. Va. Dawson. "There is one class of public officers whose compensation should be fixed, and should not be paid by fees at all. These are justices of the peace. They belong to the judicial department of government. As the law has been for many years, these members of the judiciary are subjected to temptation which ought not be placed before any public officer, and especially before a judge. The loser of a suit before a justice must pay the costs, including the justice's compensation. The plaintiff may be worth nothing and the defendant may be a man of means. In a close case, the justice should not be tempted to decide the case against the defendant for the reason that if he decides it against the plaintiff he can collect nothing off of him, and will lose his compensation. It seems difficult, I know, to measure the compensation of these officers. In the first place, it might be well to reduce the number to one to each magisterial district, his annual salary to be fixed by the County Court, and require him to hold his court at stated times and promptly to hear and determine all cases. Let the fees which are now charged, and which go to the justice for his compensation, be paid into the county treasury. These fees could be increased somewhat if it is thought best."

8 Jan. '07, p.81

b W. Va. Dawson. ". . . The law concerning the collection of fines by courts and justices needs amendment. Every justice of the peace should be required to report to the county clerk

promptly after the close of each month all fines imposed by him, and the status of them, whether collected or not. . ."

8 Jan. '07, p.102

657

Court officers

659

Fees. Salaries

For fees and salaries of a particular court officer *see* that head

- a **Ct. Woodruff.** "Judges of the Probate Courts, sheriffs, and all court officers, and perhaps town clerks, should be paid salaries fixed by law; and all fees paid into the courts, to the clerks of courts, and to the county sheriffs should be paid over to the treasurer of the state or to the treasurer of the county as the statute may provide. . . I would urge this General Assembly to frame a bill comprehending this recommendation."

9 Jan. '07, p.18

- b **U. Cutler.** Asking for the enactment of a statute making clear and unmistakable the matter of mileage and expenses of district judges and attorneys.

14 Mar. '07

- c **Vt. Proctor.** "I remind you of the desirability of eliminating the fee system as much as possible, especially in the administration of the penal laws in our minor courts. It can not be abolished entirely without making an unnecessary and disproportionate expense for salaries. . ."

4 Oct. '06, p.5

668

Judges

- a **Ala. Jelks.** "The judges of the state and the chancellors, it seems to me, ought to have an increase of their salaries. Living is more than twice as high in Alabama as it was when some of these salaries were provided for. There is no judge now on the bench in Alabama, measuring up to his place, who can not earn in his profession a larger income than he is receiving from the state."

14 Jan. '07, p.25-26

- b **Kan. Hoch.** ". . . I believe the salaries of our Supreme Court judges and of our district judges alike are ridiculously low. These salaries were fixed when the state was new and the people were poor, and when the duties of their positions were not so complicated and arduous, and when the public interests involved were not so numerous or so great; but now in the day of our prosperity, when all wages are higher and the necessities of life dearer, it is a matter of plain, palpable justice that our judges should be better paid. . ."

8 Jan. '07, p.16-17

- c **Tenn. Patterson.** ". . . The compensation of our Supreme Court judges is meager, and no provision at all is made for their expenses. The result is that unless they are men of means when they go upon the bench, they must face an old age of penury when they retire. This is also true of other judges, all of whom receive inadequate salaries, entirely disproportionate to their positions and responsibilities, and less than the compensation of many

COURT OFFICERS

668

county officials who perform only clerical labor. Under the Constitution, you can not increase the salaries of these officials during their terms of service, but you can enact such a law which will take effect at the end of their terms, and this I earnestly recommend." 7 Jan. '07, p.2

- d Wash. Mead. "The present salaries of the justices of the Supreme Court and of the judges of the Superior Courts are entirely inadequate to the demands of the positions. It is a matter of common knowledge that members of the bar possessing high legal attainments, ability and character must make financial sacrifices for the honor of serving on the bench, and that too, with a tenure of office shorter in this state than in many others. The tendency in the commonwealths of the Union is steadily toward a higher paid judiciary. I recommend an increase in the salaries of Supreme Court and Superior Court judges."

14 Jan. '07, p.25

669

Notaries public

- a Neb. Mickey. ". . . At the present time the statutes provide no age limit for notarial appointments. It seems to me that an office so important, having to do with the acknowledgment of deeds, mortgages, affidavits and nearly all papers pertaining to our legal system, should not be exercised by any person of immature years. I recommend that section 1, chapter 61, of the Compiled Statutes of 1905 be amended so as to include an age qualification of at least 21 years." 3 Jan. '07, p.6
- b Nev. Sparks. ". . . Under present circumstances it seems advisable to greatly increase the number of notaries by giving to each county a full sufficiency, or, if more practicable, to allow the issuance of commissions on applications of citizens for the state at large." 21 Jan. '07, p.11-12
- c Or. Chamberlain. "Under the present system, too many notaries public are appointed. The propriety of limiting the number is questionable, but if a liberal fee were authorized to be charged by the Secretary of State for issuing a commission, to be turned in to the general fund, it would operate to limit the number of applications and at the same time result in raising a considerable revenue for the state." 16 Jan. '07, p.9
- d U. Cutler. "Under the present state law regarding notaries public, no restrictions are specified as to age and citizenship of persons who may be appointed to that position. . . It is certainly advisable that the law be so amended as to require that all notaries public shall be citizens of the state, at least 21 years of age." 15 Jan. '07, p.41
- e W. Va. Dawson. ". . . I wish to reenforce the recommendation made to you by my predecessors, that the law should be changed so that notaries would be appointed for a definite term. . . . The four year term seems to be that most favored. If you should amend the code in this respect, it might be well to

provide that the notaries in office on January 1st, 1907, could serve for four years, and that thereafter notaries should serve for four years from the date of appointment, and that the expiration of the term of service should be stated in their commission."

8 Jan. '07, p.112

675

Public prosecutor

See also 50, Attorney general

- a **Ind. Hanly.** "[The Governor] has no authority to direct the action of any county sheriff or prosecuting attorney in any case . . . It is unjust as it is idle to charge the executive with the enforcement of the law, and then leave him without effective means to discharge the duty imposed." 10 Jan. '07, p.25
- b **Mo. Folk.** ". . . In order that the laws of the state be regarded all over the state, the Attorney General should be authorized, when directed by the Governor, to file quo warranto proceedings in the Supreme Court against any prosecuting attorney, police commissioner, sheriff, mayor or other official wilfully failing to enforce the laws of the state, and if the court is satisfied, after hearing the evidence, that the charges are sustained, the court should be given the power to render a decree of ouster. . ." 2 Jan. '07, p.34-35
- c **Mo. Folk.** ". . . There should be some remedy when officials of any locality deliberately refuse to enforce the state laws . . . The present statutes afford a very ineffective remedy for removal of county officials by proceedings brought by the prosecuting attorney. There is no remedy at all when the prosecuting attorney neglects his duty. Proper proceedings should be provided for the removal of officials who, in their public duty, forsake the service of the people's law. . ." 9 Apr. '07, p.9-10
- d **Neb. Mickey.** "I have a firm conviction that the chief executive should have more specific power conferred upon him in the matter of law enforcement. . . I recommend the creation of a statute providing that in all criminal cases and in civil matters wherein the state is interested, where proper complaint has been made to the county attorney and where he neglects or refuses to prosecute, that the Governor be given power to either command such county attorney to immediately institute vigorous and faithful prosecution, or in lieu thereof to hire special counsel to take charge of the case at the expense of the county, or to do both, and in event of the continued neglect or refusal of such county attorney to act that the Governor be given absolute power to remove him from office forthwith. . ." 3 Jan. '07, p.16-17
- e **W. Va. Dawson.** ". . . The Governor has no authority over the Attorney General, and the Attorney General has no authority over the prosecuting attorneys. The Governor has no power to remove any of these officers or other like officer who fails to do his duty, or who fails to act on the suggestions of the Governor

CIVIL PROCEDURE

even. . . The Attorney General, who ought to be the right hand of the Governor in the enforcement of the law, is under no legal obligations to the Governor whatever. I make bold to say that both these officers should be appointed by the Governor; and the Governor should have the authority, which should be of course properly guarded and restricted, to remove any officer (but not judges, of course) who is incompetent, corrupt, or who fails to do his duty. . . .” 8 Jan. '07, p.42-47

694

Stenographers

- a **W. Va.** Dawson. “What I have said about the abolishing of the fees and the payment to officers of salaries instead, will also apply to official court stenographers. . . .” 8 Jan. '07, p.82

695

Civil procedure

Including such provisions as apply both to civil and criminal cases.

- a **Ill.** Deneen. Urges passage of practice act adopted by the Practice Commission. 9 Jan. '07, p.38-39
- b **Neb.** Mickey. “The suggestion of President Roosevelt in a recent message to Congress that a law should be passed to prevent courts from setting aside just decisions for mere technical errors in pleadings, instructions and evidence, recalls some of the civil cases wherein the state of Nebraska was on technical grounds a defeated party, and brings to public attention the necessity for providing a remedy against public losses like those revealed in the litigation of civil cases instituted by the state If the people can not get relief by means of a statute like that suggested by President Roosevelt, provision should be made to amend the Constitution to meet present conditions.” 3 Jan. '07, p.19-21
- c **Tex.** Campbell. “. . . Probably more than half the civil suits tried and appealed are reversed and remanded for new trials, and many new trials are granted by trial courts on account of errors in the court's charge to the jury. Costs to litigants are increased, delays and unjust burdens are laid upon those forced to invoke the aid of the courts to secure their rights under the Constitution and laws. The costs incurred by the counties for juries and other incidental expenses in the numerous trials of the same cases is heavy and has attracted the attention of the people. It seems to me that an effort should be made to give the relief demanded and as tending in that direction I recommend to the Legislature the enactment of laws authorizing verdicts to be returned in trial of civil cases in the District Court by the concurrence of nine members thereof, and also requiring trial judges to prepare their instructions to the juries in civil cases and submit the same to the parties or to counsel on both sides of the case before the argument begins; that the charge shall as now be

695

read to the jury on the conclusion of the arguments of counsel, or on conclusion of the evidence if no arguments are to be made to the jury; and by law provide further, that all special charges or additional instructions proposed or requested shall be prepared, submitted to opposing counsel for objection, if any, and then delivered to the judge before the main charge is read to the jury, and that all exceptions to the main charge or to the giving or failure to give special charges, shall be taken and the ground of objection stated in writing and noted by the judge before the jury retires, and that all errors in the charge or with respect to the special charges not then assigned and again pointed out in motion for new trial shall be considered and held to have been waived and shall not constitute grounds for new trial or reversal unless fundamental. . . ." 16 Jan. '07, p.16

- d **Tex.** Campbell. "Upon the subject of simplifying the procedure in both civil and criminal trials and also upon the needed reforms in our jury system, I again call your attention to the importance of these reforms, both to the counties and state, and to the people who bear the burden of a system almost bewildering in its meshwork of technical absurdities. I can not too strongly urge upon this Legislature the necessity for the reforms demanded. I here reiterate the suggestions submitted in my message to your honorable body when in regular session. . . . My further recommendation upon this subject is that you enact laws requiring the joining of issues and the closing of the pleading in the case before the case is placed upon the jury docket of the court, and that laws be enacted authorizing verdicts to be rendered in the trial of civil cases in the District Courts on the concurrence of nine members of the jury. . . ." 16 Apr. '07, p.5-7

726

Jury. Verdict

- a **Ct.** Woodruff. "One of the profound mysteries of Connecticut that has baffled legislatures, balked justice, and exasperated public opinion is the law which makes it impossible for a person sustaining injury to secure trial by jury of a suit for damages. Connecticut is the only state in the Union in which this constitutional guaranty is denied. . . . My purpose is to urge with all the force I can express that you make it a particular part of your present business to put this General Assembly on record as a fearless and faithful body of representatives by enacting such legislation as will secure forever to the people of Connecticut the constitutional right of either party in an action of tort to a trial before a jury." 9 Jan. '07, p.10-12
- b **Del.** Lea. "Experience in our sister states and in the federal courts has demonstrated that, in the administration of justice by courts, the best, least expensive and most satisfactory results are reached, when the jurors of the courts are selected under the supervision of the judges. The jurors of the courts who are

CIVIL PROCEDURE

726

summoned for the trial of cases should not be required to serve more than two weeks during any one term of the court. The courts, or the judges thereof in vacation, should be authorized by law to convene any of our courts upon a short notice and empowered to have drawn and summoned the grand and other jurors required for such special terms. . . ." 1 Jan. '07, p.15

- c **Mass. Guild.** "I urge upon you the necessity of jury reform. When the bench itself in public utterance gives evidence as to the appearance even of the intoxicated, the criminal and the insane on Suffolk juries; when pressure is notoriously exerted to secure places especially on these juries as a compensation for political favors; when men high in social and commercial life similarly exert pressure to be excused from jury service, it is certainly time that the authorities designated by law to prepare the jury lists should be safeguarded from such improper influences. Absolute justice should be forwarded by remedial amendments to the laws affecting the selection of juries, to the end that the corruptionist who seeks jury service and the citizen who evades service may no longer alike hamper the administration of justice and the law." 3 Jan. '07, p.24

733

Appeals. Review

- a **U. S. Roosevelt.** ". . . It would be well to enact a law providing something to the effect that: No judgment shall be set aside or new trial granted in any cause, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure unless, in the opinion of the court to which the application is made, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice." 3 Dec. '06, p.4

739

Special actions

741

Attachment

742

Garnishment

- a **Vt. Proctor.** ". . . I recommend that the law be so amended that wages or compensation due the principal debtor for work and labor performed by him in person should be exempt to the amount of \$10, and that wages only in excess of that amount should be liable to the trustee process." 4 Oct. '06, p.9-10

749 **Writs: certiorari, injunction, mandamus, prohibition, quo warranto, scire facias**

- a **U. S. Roosevelt.** Renews recommendation that adverse parties be given due notice by the court before the granting of an injunction. 3 Dec. '06, p.5-8

749

b **W. Va.** Dawson. "Without referring to the granting of injunctions in labor troubles, it would seem that some statutory law is necessary to regulate the granting of this great writ, so necessary in its nature, and which serves so many useful purposes. The very fact that it has a great and useful power, makes its unwise use a great harm. Judges are not as careful as they ought to be, and sometimes they tie up even the operations of the government. The granting of injunctions on ex parte statements, without notice to the adverse party, ought to be especially limited very closely." 8 Jan. '07, p.78

750

ADMINISTRATIVE LAW

This and Constitutional law, 15, make up what is commonly known as the Political Code.

770

Finance. Public property

See also 2237, School finance; 2550, Local finance

772

Domain. Property

774

Public lands

See also 2240, School lands

a **Cal.** Pardee. ". . . The Legislature of 1905 passed an act permitting the acquirement, under certain conditions, by purchasers from the state, of tax-delinquent lands for a sum less than accumulated taxes and interest, but it is a question whether this law does not work an evil by encouraging many persons to let their taxes go delinquent in the hope of buying their property back for less than the taxes would have amounted to. . . I suggest that the law be amended to terminate the right of redemption six months after the land is deeded to the state. This would still give property owners five years in which to redeem—as a deed to the state is not given until five years after the first sale for nonpayment of taxes—and that period is believed to be amply sufficient. A considerable portion of the tax-delinquent lands—more than 180,000 acres—is located within the boundaries of United States forest reserves and national parks, and it is believed that the federal government would acquire these lands and give in exchange other lands situated outside of said reserves and parks. But it would hardly be profitable to the state to make the exchange until after our land laws have been so amended as to keep enterprising speculators from snapping up at \$1.25 per acre any lands of value which might be acquired by the state in this way. To that end I suggest that there be created a board of control, to consist of the Governor, Comptroller, Surveyor

General, and State Forester, empowered to appraise, sell, exchange, or reserve, subject to court review, these lands, as may be deemed most advisable in each instance. One of the advantages of such a system would be that timbered lands which ought to be reserved for the benefit of watersheds could then be protected. The Legislature could not have for consideration a more important subject than this, and I respectfully urge action along the lines proposed." 7 Jan. '07

- b **Col. McDonald.** "The Land Board is one of the most important boards of the state. It requires constant care and attention and the duties are becoming more and more arduous and exacting, and even then it is possible for abuses to creep in which could not if the board was able to devote its whole time and attention to the work. . . The board should be an elective one, with a term of office of either four or six years, the longer term being preferable. This will require a constitutional amendment, and it would be at least four years before such board could become operative, but I hope this Legislature will take the preliminary steps towards the change in the management of the Land Board. However, this should be remembered, that the State Superintendent of Public Instruction should always be a member of the State Board of Land Commissioners, on account of the fact that this inheritance is for the benefit of the public schools of the state. I believe a constitutional amendment providing for the election of two members of such board, with the superintendent of schools as the third member, would prove very satisfactory, and that in the end it would be a great saving to the state." 3 Jan. '07, p.12

- c **Mon. Toole.** "The work of the Carey Land Act Board is progressing satisfactorily. A comprehensive report of its doings will hereafter reach you. Your especial attention is called to that portion of the report which deals with district no. 4 and segregation list no. 5. It is believed that the whole scheme referred to as district no. 4, is a complete failure, and that good faith and fair dealing upon the state's part require us to take such steps as will eventuate in restoring this land to the public domain, and to this end appropriate legislation should be enacted authorizing the necessary relinquishments and the conveyance to the United States of the tract patented to the state. Otherwise settlement upon the same will be procrastinated indefinitely and the title to this whole block of land will go to a single corporation." 8 Jan. '07, p.29-30

- d **Nev. Sparks.** Urges memorial to Congress asking for grant of 2,000,000 acres grazing lands; recommends extension of 15 to 20 years for full payment of contract lands. 21 Jan. '07, p.8-9
- e **N. M. Hagerman.** "I invite your very close and serious consideration to the comprehensive report of the Commissioner of Public Lands. . . He shows the inconsistencies in the terri-

torial laws relating to the management of these lands and makes full recommendations for the amendment of these laws, and for the enactment of new ones, some of which it is absolutely necessary should be enacted in order to bring our statutes into harmony with rulings which the Department of the Interior has made during the past two years. . . ." 21 Jan. '07, p.38

f S. D. Crawford. "He [the Commissioner of School and Public Lands] also calls attention to the fact that the lands of the state in Lawrence, Pennington and Custer counties are exposed to loss through contests by mineral claimants and that state lands within the Black Hills Forest Reserve are exposed to loss through the claims of squatters to homesteads. The utmost vigilance must be used to protect the state against wrongful claims of this character and ample means provided to enable the Attorney General to take whatever action is necessary in the premises." 8 Jan. '07, p.10

g U. S. Roosevelt. "The development of the past year emphasizes with increasing force the need of vigorous and immediate action to recast the public land laws and adapt them to the actual situation. The timber and stone act demonstrated conclusively that its effect is to turn over the public timber lands to great corporations. . . The desert land act results so frequently in fraud and so comparatively seldom in making homes on the land that it demands radical amendment. That provision which permits assignment before patent should be repealed, and the entryman should be required to live for not less than two years at home on the land before patent issues. . . The commutation clause of the homestead act serves in a majority of cases to defeat the purpose of the homestead act itself, which is to facilitate settlement and create homes. In theory the commutation clause should assist the honest settler, and doubtless in some cases it does so. Far more often it supplies the means by which speculators and loan and mortgage companies secure possession of the land. Actual, not constructive, living at home on the land for three years should be required before commutation unless it should appear wiser to repeal the commutation clause altogether. . . The Secretary of the Interior should be enabled to employ enough mining experts to examine the validity of all mineral land claims and to undertake the supervision and control of the use of the mineral fuels still belonging to the United States. . . The law should give individuals and corporations under proper government regulation and control (the details of which I shall not at present discuss) the right to work bodies of coal land large enough for profitable development. My own belief is that there should be provision for leasing coal, oil, and gas rights under proper restrictions. . . Many of the existing laws affecting rights of way and privileges on public lands and reservations are illogical and unfair. Some work injustice by granting valuable rights in perpetuity without return. Others fail

PUBLIC PROPERTY

to protect the grantee in his possession of permanent improvements made at large expense. . .” 17 Dec. '06

776

Sale. Settlement. Appraisal

- a Or. Chamberlain. “. . . Numerous parties had purchased lands in several of the above named reserves prior to their creation as such, and now hold either certificates of sale upon which a portion of the price is still unpaid, or having paid in full hold deeds therefor. The board ought to be authorized by the Legislature to cancel the certificates of those willing to surrender them and to refund to the purchasers thereof the amount paid by them thereon. These lands were purchased generally at \$1.25 per acre, and since the repeal of the indemnity selection law by Congress they are of little value to the present holders of the certificates, whilst if the certificates were canceled the state could use them for base which at present prices is worth \$7.50 per acre. There were withdrawn from sale by an act of the Legislature of 1899, 10,000 acres of indemnity lands which had been selected under the act of 1895. I suggest that this act of withdrawal be repealed, and that the lands so selected be put upon the market and sold to the highest bidders.” 16 Jan. '07, p.13-15

7765

Mineral

- a Minn. Johnson. “The state has a large area of land containing iron ore, and in the past has leased on terms wholly out of proportion to just and proper conditions. The statute now provides that from all iron ore taken from state lands, the state shall receive a fixed royalty of 25 cents per ton, each ton to be reckoned at 2240 pounds. In the light of the leases made between private parties this fixed sum is an absurdity, and should be changed without further delay. . . I would suggest that the provisions of the law be changed, fixing a minimum royalty on state leases of not less than 50 cents per ton, and authorizing a board consisting of the Governor, Attorney General, and the State Auditor to dispose of mineral leases at public auction to the highest bidder without fixing a maximum price by law. . .” 9 Jan. '07, p.18-19
- b N. D. Sarles. “. . . One especially needed is a law to define specifically what lands ‘bearing lignite coal’ shall come under section 155 of the Constitution, which states ‘the coal lands of the state shall never be sold, but the legislative assembly may by general laws provide for leasing the same.’ The words ‘coal lands’ shall include *lands bearing lignite coal*.’ This definition, in my opinion, is ambiguous and not sufficiently specific.” 9 Jan. '07, p.6
- c Tenn. Patterson. “There is a bill pending in the Senate looking to the development of the Herbert Domain, recently purchased by the state, and providing for the hire of state convicts

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to the N., C. & St L. Ry., to build a line to this property. I am thoroughly opposed to this or any like measure, and unless you are prepared to pass such a bill over my veto there is no occasion to give this subject further consideration. The mines at Brushy Mountain are not exhausted, according to the best information obtainable, and will not be probably for years to come, nor has it yet been conclusively demonstrated that there is coal which can be profitably mined on the Herbert Domain. Until this has been demonstrated by satisfactory experiment, and the report of experts has been made, I will disapprove any effort to abandon, in whole or in part, the mines of the state which have proven value and which have been, and can still be, profitably worked. It is desirable to know definitely the extent and character of the coal measures on the Herbert Domain, and I would approve a law giving me or the Prison Commission authority to cause investigation to be made, to ascertain if the coal is of sufficient quantity and value to justify the state in working the mines and if this is demonstrated, such additional authority as may be necessary to develop the property. . . . 1 Apr. '07, p.6-7

d **Tex.** Campbell. ". . . I hereby designate and present to you for your consideration and for legislation, the following subjects. . . To make necessary amendments and changes in the law regulating the sale of school lands and the placing of school lands on the market for sale, and to prescribe regulations in the sale of mineral lands with the reservation of the mineral thereon, and to make such other changes and amendments to the law regulating the sale and leasing of school lands as may be deemed necessary." 22 Apr. '07

e **U. S.** Roosevelt. "It is not wise that the nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal. The question, however, can be properly settled only by legislation, which in my judgment should provide for the withdrawal of these lands from sale or from entry, save in certain especial circumstances. The ownership would then remain in the United States, which should not, however, attempt to work them, but permit them to be worked by private individuals under a royalty system, the government keeping such control as to permit it to see that no excessive price was charged consumers. It would, of course, be as necessary to supervise the rates charged by the common carriers to transport the product as the rates charged by those who mine it; and the supervision must extend to the conduct of the common carriers, so that they shall in no way favor one competitor at the expense of another. . . ." 3 Dec. '06, p.17-18

f **U. S.** Roosevelt. Disposal of mineral fuels in government lands under a leasing system and separate from the 'disposal of the surface. 13 Feb. '07

PUBLIC PROPERTY

777(5)

- g U. Cutler. ". . . I would respectfully recommend that no lands belonging to the state, which are thought to be coal bearing, be sold. The little land of this character that we have remaining should be held for lease, under such regulations as you think wise."

15 Jan. '07, p.37-38

778

Tide, shore and swamp lands

- a N. J. Stokes. "The riparian lands of the state have been twice the subject of recommendation at my hands. The legislative investigation, so admirably conducted, will be followed by a report of the Investigating Committee, with recommendations that will form the basis of consideration on your part. . . If our riparian lands should all be severed from state control and vested in individual ownership a Chinese wall of private interests would then inclose the docks and landing places of these harbors and rivers of commerce. Whatever policy, therefore, is adopted as to the remaining riparian lands of the state, care should be exercised that either the state or its municipalities should retain control over some of its water fronts, that there may be public landing places for incoming and departing ships and that the state and its people may not be entirely debarred from the great waterways except through the permission of private ownership."

8 Jan. '07, p.18-19

- b Or. Chamberlain. "With respect to tide lands, I recommend that they be withdrawn from sale for 10 years. It seems to me that the policy of selling these tide lands has been a mistaken one. If they had been withdrawn from sale years ago and simply leased, the state would have realized more from them and might have continued to own valuable rights and privileges which under the policy which has been followed have been sold for a mere song."

16 Jan. '07, p.15

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Timber

- a Minn. Johnson. Urges amendment of timber trespass law so as to give Timber Board greater freedom in settling suits; to change system of compensation of Surveyor General in a re-scale of timber; to allow change of place of auction of stumpage from county seat to nearest county seat at the option of the auditor.

9 Jan. '07, p.36-37

- b S. D. Elrod. "I recommend that the Commissioner of School and Public Lands be authorized to sell all matured and insect eaten timber belonging to the state under such rules, regulations and safeguards as may be deemed for the best interest of the state. . . The best authorities say that the only way to prevent the spread of beetles in the timber is to cut down all trees so infested, for if cut at the proper time, it will prevent their transferring themselves to trees that have not been attacked. The Commissioner of School and Public Lands should investigate this matter and under his advice and direction a bill should be prepared with special care and promptly passed"

8 Jan. '07, p.33

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- c S. D. Crawford. ". . . The Commissioner [of Public Lands] recommends that a law be passed at this session authorizing that officer to sell all matured timber belonging to the state within this reserve under such safeguards as may be deemed best. I request that you give this recommendation careful consideration."
8 Jan. '07, p.10

779

Buildings. Property and supplies

780

Buildings and grounds

- a S. D. Crawford. "I believe that a permanent plan of the grounds, with drives, parks, fountains, walks, lawns, trees, and locations for buildings to be erected in the future [for all state institutions] as the institution grows, should be carefully made in advance and every new improvement should be so placed as to harmonize with such plan. . ."
8 Jan. '07, p.8

781

Capitol

- a Ark. Little. ". . . Many charges and imputations have been made involving the integrity of the work [on the new state Capitol] which has been done; at least enough has been charged not only to attract your attention but to demand of you a full, complete and thorough investigation of the work and expenditures connected therewith. . . I therefore recommend to you that your respective bodies cause a thorough investigation to be made. . ."
18 Jan. '07, p.8-9
- b Cal. Pardee. ". . . If it be found, upon investigation by the Legislature, that additional appropriations are needed to complete and beautify the interior of the Capitol, I recommend that such appropriation, if possible, be made. . ."
7 Jan. '07
- c Fla. Broward. Additions to the Capitol. 2 Apr. '07, p.53-55
- d Me. Cobb. ". . . While in my judgment it would be unwise to enlarge the State House, I believe that a proper regard for public convenience and efficiency should influence you to approve the erection or lease of an office building in this city for state purposes and thus relieve the congestion of which there is so much just complaint."
3 Jan. '07, p.11
- e Mass. Guild. "The State House is overcrowded. There is now paid in rental for offices of various boards and commissions outside the State House over \$30,000 annually. Business sense and sound economy alike require the immediate construction of a modern office building for the accommodation of our public servants. . ."
3 Jan. '07, p.9-10
- f Minn. Johnson. Repair and maintenance of old Capitol.
9 Jan. '07, p.55-56
- g Mo. Folk. ". . . It will not be many years before a new Capitol will be sorely needed. A new Capitol should be paid for

PUBLIC PROPERTY

781

as it is being built, so that it can be secured without additional taxation or issue of bonds. To do this it will take 10 years or more to construct it. It would be well for you to consider the propriety of inaugurating this work at the present session of the Legislature."

2 Jan. '07, p.41

h Nev. Sparks. Repairs to Capitol. 21 Jan. '07, p.15-16

i N. C. Glenn. Accommodation for public offices by addition to Capitol or erection of Hall of History. 9 Jan. '07, p.25-26

j Or. Chamberlain. "I deem it proper to suggest that the state printing office should be removed from the Capitol building. Not only does the constant jar of the presses impair the strength of the building, but the oil and combustible material around the office is a constant source of danger. All of the archives of the state are deposited here, and valuable as they are, they should not be longer exposed to the risk of a general conflagration. In addition to this, office room is much needed, and the portion of the building occupied as a printing establishment should be converted into much needed offices. This matter should receive the immediate attention of the Legislature, for it would be better to provide for the purchase of ground and the erection of a building especially adapted for a printing office, than to incur the constant and imminent risk of a fire which might totally destroy the Capitol building and its contents, a loss which in the very nature of things would be irreparable."

16 Jan. '07, p.31-32

k Pa. Pennypacker. ". . . It would be too much to expect the Capitol . . . to escape the whimpers of today, and if it can not be denied that the eyes of men lighten and that their hearts warm as they view its wonderous success, at least it can be urged that it has cost a considerable sum of money. Upon this subject I request and advise that you make a thorough and complete inquiry. . . And if after having given full opportunity to those who have been making charges to support them with their testimony you should reach the conclusion that a good work has been wrought for the commonwealth honestly, industriously, faithfully and with proper expenditure, you will not hesitate to so pronounce."

1 Jan. '07, p.15-18

n Pa. Stuart. Recommends joint committee to investigate charges of fraud in erection of new Capitol. 15 Jan. '07, p.9-11

p S. C. Heyward. ". . . The State House now is too small to meet the requirements of our government. . . The Supreme Court room and the Supreme Court library should be moved, and another building, conveniently located, should be erected for their accommodation. This change would provide needed offices for every state official, and would meet the requirements of the situation."

8 Jan. '07, p.18-19

q S. C. Ansel. "I would also urge, that some steps be taken toward beautifying and improving the grounds that surround this Capitol building. . ."

15 Jan. '07, p.9

781

- r S. D. Elrod. Completion of Capitol. 8 Jan. '07, p.24-30
s S. D. Crawford. Completion of new Capitol. 8 Jan. '07, p.37-40
t Tenn. Patterson. "The condition of our state Capitol is a reproach to Tennessee. A magnificent and costly building—the pride of the people—built for use and adornment, is rapidly going to decay. Its furnishings are old and worn, the halls of the House and Senate are unsightly, and aside from the noble proportions of the building itself, there is nothing in the interior that would impress a visitor or cause pride to the people of the state. I recommend that a liberal appropriation be made at once, to protect the Capitol from further decay, and to thoroughly renovate and refurnish the building and improve and beautify the grounds. In this connection I also recommend that either the Superintendent of the Capitol be furnished a sufficient force to keep the building and grounds in order, or that he be given authority to make requisition on the Commissioners of the Penitentiary for enough short-term convicts for this purpose. . . . I recommend an appropriation to construct a building either in the rear of the Capitol within the grounds, but not attached to the main building, or for the purchase of a convenient lot outside of the Capitol grounds, where a building may be constructed to accommodate our state officers who are not now provided for, and in order that the state's business can be properly and conveniently conducted." 7 Jan. '07, p.3-4
u U. Cutler. Erection of a state Capitol. 15 Jan. '07, p.45
v W. Va. Dawson. Additions to and renovating of the Capitol. 8 Jan. '07, p.93-95

782

Executive mansion

- a Col. McDonald. "As I am now retiring from office, I believe I can, with becoming modesty, recommend that the Legislature make provision for an executive mansion, to be maintained by the state. . . ." 3 Jan. '07, p.17
b Tenn. Patterson. "I further recommend the purchase of a home for the Executive. There may be others, but so far as my knowledge extends, Tennessee is the only state which fails to provide a suitable residence for its Executive. Aside from other considerations, a Governor who is compelled to board at a hotel can not properly represent the dignity of the state, nor can he give that study to its business which he ought to bestow. Without a home it is impossible to show that courtesy to visitors and to senators and representatives of the people which they expect and which the Executive of the state ought to extend." 7 Jan. '07, p.3

784

Property and supplies generally

787

Contracts and supplies

- a N. H. Floyd. "It is the custom for certain heads of departments to buy what supplies they want, and after the goods have

PUBLIC PROPERTY

been delivered send the bills to the Governor and Council to be approved and paid. While this covers no dishonesty and involves a comparatively small amount of money, it is a loose practice, open to abuse, and I recommend that chapter 71 of the laws of 1903, relative to state officials having control of public funds be so extended as to require all officials wanting supplies to make requisitions for them, and have such requisitions approved before the purchases are made."

3 Jan. '07, p.9

790

State institutions

- a **Ill. Deneen.** "Recognizing that the buildings and mechanical equipment of most of the state institutions were erected and installed many years ago, before architectural and engineering science had reached the high mark of advancement obtaining now, a survey has been made by the State Architect of these institutions. Scaling their recommendations down to those items which they consider necessary for the physical operation of the institutions, the safety of the inmates, and, in some cases, their well being and comfort, the total appropriation asked for is \$730,000. . . I recommend that the General Assembly make this extra appropriation out of the state surplus. . ."

9 Jan. '07, p.7-8

791

Insurance

- a **Cal. Pardee.** "I desire again to call the attention of the Legislature to the fact that no provision has as yet been made either for insuring state property or for creating a state insurance fund out of which losses may be paid without waiting for a session of the Legislature to make appropriations therefor. . . The state can insure its own property more cheaply than it can hire it insured, and prudence dictates that it create an insurance fund of its own."
- b **N. D. Sarles.** "I believe the law allowing public buildings to be insured for two thirds of their value should be changed and the maximum amount be one half of the value. I believe the rate for this insurance is high, considering the risk carried."

7 Jan. '07, p.16-17

9 Jan. '07, p.7

- c **W. Va. Dawson.** State fund for insurance of public buildings.

8 Jan. '07, p.60

793

Public works

795

State departments

796

State engineer. Surveyor

- a **Cal. Pardee.** ". . . It would be well to merge the engineering departments of our state government into one department of engineering and public construction, with a single engineer at its head, who should be held responsible to the executive office and

should be empowered to associate with him an expert architect, and such other experts along special lines as his work may from time to time require. . . California is a growing state, and it is inevitable that a great deal of public building must be done, roads constructed, dams built, and reservoirs excavated, and, besides, there is a world of overflowed lands to be reclaimed and arid wastes to be redeemed from drought. Of all such enterprises the fullest records should be preserved and the work be done under a continuing policy that shall begin somewhere and end at some definite goal, instead of being a patchwork beginning and ending nowhere. . ."

7 Jan. '07, p.53-54

800

Taxation (general)

Relating chiefly to general property taxes. Under local finance are placed only those tax laws which strictly belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing.

- a Ala. Jelks. "The Tax Commission law is effective in increasing the assessment against a few people in an average of one half of the counties. It does not reach one person in 100 whose property deserves to be raised. . . I am of the opinion that ultimately the law must be so changed as to exclude altogether for consideration all such personal property as may be entirely hidden from the assessor, except such as the law requires court or state records to disclose. I am inclined to believe that the principle of a mortgage tax might profitably and fairly be extended. . ."

8 Jan. '07, p.5-6

- b Ark. Little. "I would suggest as one of the means of increasing the general revenues of the state, the increase of the license tax on liquor dealers and the levy of a privilege tax upon corporations doing business in the state. . ."

18 Jan. '07, p.15-16

- c Del. Lea. ". . . Our revenue system should be incorporated in one comprehensive, adequate and thoroughly fair measure which should be couched in language so simple that every one might readily understand the same. . ."

1 Jan. '07, p.3-5

- d Ill. Deneen. ". . . There is a general movement throughout the country to place revenue systems upon a more scientific basis, that the burden of taxation may be more equitably distributed. . . I recommend . . . that a commission be appointed to study carefully the question of taxation and to report its findings and recommendations to the 46th General Assembly."

9 Jan. '07, p.44

- e Minn. Johnson. "I would most urgently recommend legislation providing for the establishment of a permanent tax commission, which shall be empowered to make a careful and scientific study of this question and report from time to time, both to the executive officers and to the Legislature. The commission should visit the several counties of the state annually,

TAXATION

800

or at least biennially, and should be empowered to supervise the work of local assessors and boards, and provide rules to facilitate the performance of the duties of assessors and otherwise aid them in the work of securing equal and uniform assessments. Specially important service can be rendered by the proposed state commission in seeing that the tax laws made by this Legislature are enforced strictly, uniformly and impartially, and that assessments are free from discrimination as between counties, local assessment districts and different parcels of property in the same district. . . .”

9 Jan. '07, p.7-8

f N. H. Floyd. “. . . I therefore recommend the creation of a committee authorized, and required, to study the subject [taxation] in all its bearings, and report its conclusions to the next Legislature.”

3 Jan. '07, p.8

g N. M. Hagerman. “. . . In order that a uniform and consistent law on this subject [taxation] may be available for the guidance of the many territorial officials whose duty it is to see to the enforcement of the laws of assessment and taxation, and that the difficulties which now exist even in the minds of trained lawyers, as to the interpretation of the many acts which have been passed on the subject, may be partially, at least, overcome, I strongly recommend that you make a complete compilation and revision of all such laws, repealing all the laws now on the statute books and enacting one new one embracing all their provisions, with such amendments as you deem proper. This, I believe, should be done, even if the revision should not be as complete as might be desired at this session of the Legislature. I suggest that in whatever revision of the session laws you are able to accomplish you bear in mind the three fundamental defects which, among a great many good provisions, are now generally apparent throughout these laws:

1st: Defects relative to equitable assessment of property. . . .

The unequal assessment and wrongful classification of property can be remedied by clearly providing that the values as fixed by the Board of Equalization shall be enforced throughout the territory and by establishing specific penalties against assessors and county commissioners who fail to enforce them. . . . I would also suggest that the law providing for the removal of officers, who have to do with the assessment and collection of taxes, by the court, be so amended that it shall be the duty of the District Attorney, in the name of the territory, to bring action against such officers who fail to perform any of their official duties, including the duty of classifying and assessing property in accordance with the findings of the Board of Equalization, whether upon the affidavit of a taxpayer or not. The Board of Equalization should also have the power to review tax matters in the various counties regardless of whether such matters are brought before them upon appeal as is now provided.

2d: Defects relative to the making of proper returns by the property owner.

The law now provides a penalty for failing to render true lists, but there is great laxity in many parts of the territory in the enforcement of such penalty, and new provisions which would make such enforcement more feasible and make such failure a misdemeanor, would be advisable.

3d: Defects relative to the collection of delinquent taxes. . .

I would recommend, therefore, that the law be so amended as to provide a penalty of one per cent for the first month, two per cent additional for the second month, and for each succeeding month that the taxes remain unpaid. It is generally conceded that the method as now provided by our laws, for the collection through proceedings in court of delinquent taxes in amounts exceeding \$25, is exceedingly cumbersome and unwieldy. I can see no good reason why all delinquent taxes could not be dealt with in a manner similar to that provided by our law for the collection of amounts less than \$25. Such a method has proven very successful in other states, and I would therefore recommend that a law to that effect be passed. . ."

21 Jan. '07, p.9-13

h N. C. Glenn. ". . . The Treasurer also requests that all state taxes be due at the same time, and not at different periods, as now. There no longer exists any reason for making the taxes in tobacco sections due later in the year, and I hope a uniform time will be adopted."

9 Jan. '07, p.8

i Tex. Campbell. An honest rendition and assessment of all taxable property; amendments to the gross receipts and intangible tax laws; graduated income tax.

16 Apr. '07, p.7-8

j Vt. Bell. ". . . This General Assembly can build for itself no more lasting monument than by placing upon our statute books a law that does away with double taxation. In any sincere attempt in this direction I am sure you will have the hearty cooperation of my successor in office."

4 Oct. '06 p.13

k Vt. Proctor. ". . . If with such knowledge as is available you are able to find a solution of this question that bids fair to bring the desired relief, without the creation of other evils, it is most desirable that you do so. But if you find that sufficient data are not available upon which to base this necessary readjustment then I recommend that you provide for the creation of a strong representative commission which shall take up not only the question of double taxation but the whole question of taxation in Vermont and give it a thorough research and study. Such a commission should have the power and authority to collect statistics, examine books and records, and should study the system of taxation in other states. It should be of such a size and character and its research and examination so broad and extended that its findings would carry weight and give promise of a satisfactory solution by the next Legislature."

4 Oct. '06, p.20-21

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- n **W. Va. Dawson.** "Let us consider briefly from what sources additional revenue may be obtained. I suggest: From the increase of license tax on spirituous liquors, beer, etc. . . From a recordation tax, along the lines of a bill prepared by the State Tax Commissioner's office, and introduced into the last Legislature, which proposed that on deeds, contracts, leases and the like, there should be a recordation tax payable by adhesive stamps furnished by the Auditor to the county clerk and attached to the record by the clerk. From restoring at least to the old figures the tax on the premiums of all kinds of insurance companies, including bonding, surety, guaranty, casualty and others. From an increase of the valuation of banks. . . From a progressive inheritance tax along the lines suggested by President Roosevelt, grading tax according to the size of the inheritance received by each heir or other person. From an excise tax, like the Cole law of Ohio, on the gross earnings of all public service corporations, in which I would include all coal mines subject to inspection by the mine inspectors. . . From a tax on the certificates or seals of notaries, justices and other officers authorized to administer oaths or acknowledge papers. . ."

8 Jan. '07, p.19-23

807

Separation of state and local taxation

- a **Cal. Pardee.** ". . . The conclusion reached by the commission . . . consists in taking for the exclusive use of the state all the taxes to be derived from certain classes of corporations; also the poll tax, inheritance taxes, insurance taxes, franchise taxes, and fees collected by state officers. . . For the support of county, city, town, and other local governments there would be left the entire product of the taxes upon real estate and personal property, which they are now compelled to share with the state government. One of the greatest advantages to accrue from such a division of the different sources of revenue between the state and local governments would be that it would at once end all of the causes of dissatisfaction arising out of the equalization by a state board of the assessments of the different counties. Each county and each city or town could then have a high or a low assessment of property values as might best suit local conditions, without the possibility of doing injustice to other communities. The inauguration of such a system as this can only be accomplished by amendment of the constitution. . . It is proposed to insert the rates of tax in the Constitution, subject to the power of the Legislature to change them once in six years . . . I urge upon the Legislature that it give its serious attention to this subject. . ."
- b **Cal. Gillett.** ". . . Shall we continue the present system, with some amendments, supporting the state by a direct property tax, collected from the several counties, or shall we make radical changes in our revenue laws and separate county and

7 Jan. '07, p.5-7

state by providing that the state shall be supported from sources different than those which support the city and county? If this question were a new one, I would advise that we approach it with great care and caution, but we find that several states have adopted the dual system, and that good results have been accomplished. It is evident that some of the evils existing today by reason of our present revenue laws, can best be remedied by adopting a system already in use in several of the states by separating state and local taxation. This means that the state shall collect its revenues from sources other than a direct levy on real and personal property—of individuals, leaving to the counties and cities the exclusive right to tax such property for local purposes. . . . To bring about this separation it is necessary that the Constitution should be amended, and I advise that a resolution amending it as suggested by the commission, be passed. . . . This system is not an untried one, as it is now in vogue in several of the states, where it has proved to be successful. It is the most modern method in use and the most just. The state, under this system, could derive its revenues, in addition to those collected from present sources, by levying a tax upon the gross earnings of railroads; street railroads; express companies; car companies; light, heat and power companies; telegraph and telephone companies; on the shares of the capital stock of banks, and upon corporate franchises. . . .” 9 Jan. '07, p.7-9

c **Fla. Broward.** “. . . I am convinced that this lack of equalization in assessments will never be corrected until the subjects of taxation for state and county purposes are separated; and a measure looking to that end should receive your careful consideration at this session. All property which is subject to state taxes should be valued and assessed by the state authorities and an equalization of values and burdens would result, whereas the counties would make such assessment and valuation as would be sufficient and proper to meet their needs. . . .” 2 Apr. '07, p.3-7

d **Mo. Folk.** “. . . The first step in tax reform should be the separation of the sources of state and local revenue. This can only be effected by a constitutional amendment. . . . I believe the time will soon come when the state can obtain all the revenue necessary for the needs of economic government by taxation on railroads, express companies, insurance companies, telegraph and telephone companies, license tax on corporations, dramshops, and other privileges, thus leaving the real and personal property in the counties free from state taxes. This system would prevent inequality amongst the counties in amounts paid for state tax, which inequality arises from the fact that property must now be assessed at the same value for local purposes as for state purposes, producing different rates of assessment, in order to meet local purposes, and inequality in bearing the burdens of state government. . . .” 2 Jan. '07, p.35-36

807

- e Or. Chamberlain. "As rapidly as conditions will admit, there ought to be a complete divorcement between the system of taxation for state and that for county and municipal purposes. This policy is being adopted in other states, and will doubtless be adopted here as the state advances in population and wealth. . ."

16 Jan. '07, p.5-7

- f Wash. Mead. "In my message to the Ninth Legislature I called attention to the wisdom of framing revenue laws looking to the ultimate separation of the state from the counties in matters of taxation. Since then the Tax Commission has been created and has made an exhaustive study of the subject, the revelations set forth in its report fully supporting this policy. If the taxation of public utilities, excise and license fees, coupled with the earnings of permanent funds, arising from sale and lease of granted lands, would yield to the state sufficient revenue to defray the expenses of state government, then all the real and personal property could be released from this burden and subjected only to taxation for county, municipal and special school district purposes. No incentive would then exist for the different counties to depress their valuations to avoid the state tax. The economy and business ability of each county would then inure to its own benefit."

14 Jan. '07, p.14

- g W. Va. Dawson. ". . . I am so impressed with the propriety of the abolition of the state taxes on property that I would shift some of the burdens from the state government to the county governments if this were necessary to effect that purpose; this shifting would not increase taxes on the people, but would enable us to get rid of the inequality of taxation among the counties. . . I do not think shifting is necessary, as there are sufficient other sources from which the additional revenue can be obtained. It is hoped to see considerable increase the present year in the assessed value of personal property, coming from the increase in the amount of intangible property which will come on the books as a result of the decrease in the rate of levy."

8 Jan. '07, p.23

808

Taxation of personal property

See also 823, Assessment

809

Money and securities

See also 841, Corporation taxes

- a Ind. Hanly. "Section 8437, Burns' R. S. 1901 provides for the taxation of personal property, mortgaged or pledged, as the property of the person who has the same in possession. The intent of the law is entirely proper, but in practice it results in the sequestration of substantially all notes, bonds, stocks and other securities mortgaged to or placed as collateral with the banks and trust companies of the state. . . But banks and trust companies

are assessed only upon their capital stock, surplus or undivided profits. . . The abuse can be ended by the simple repeal of this section. . . The law relating to mortgage exemptions in the assessment of mortgaged real estate has also become the subject of no inconsiderable abuse. Mortgages, fictitious and fraudulent, are made the basis of claims for exemption in many instances. Local boards of review now have no authority to examine into or pass upon these claims. The mere filing of the affidavit with the auditor, setting forth the claim, is sufficient to secure the exemption. The law should be amended so as to require the reference of all such affidavits filed with the auditor to the county assessor, who should be required to examine the same and to refer them, with such recommendation as he may think their merits warrant, to the county board of review, which board should be given full authority to pass upon them and to allow or disallow the claims made by them. . ."

10 Jan. '07, p.30-31

- b Minn. Johnson.** ". . . I would suggest a registry tax of, say, one half of 1%, to be paid into the treasury of the county at the time the mortgage is recorded, and a percentage tax not exceeding 10% on the income of the mortgage, to be paid annually. If the mortgage ran to a nonresident of the state, let the tax go into the county treasury of the county in which the mortgage is recorded; if a resident of another county in the state, the tax to be remitted to that county by the county treasurer in which the mortgage is recorded; if the mortgage is between parties in the same county, the tax to be paid into that county. Objection might be raised to this system on the ground that the mortgage might not be recorded at all. This can be obviated by imposing the condition that the failure to comply with the law in both the matter of the registry tax and the payment annually of the income tax on this credit would deny and prohibit process in the court to enforce the collection of either the principal or interest of said mortgage. . ."

9 Jan. '07, p.6-7

- c Neb. Sheldon.** "Under the present law real estate that is mortgaged is assessed for taxation purposes at its full value to the owner of the land without any deduction whatever for the amount of the mortgage. In addition to this if a mortgage is held by a resident of the county or of this state the mortgage is also assessed at the full value. There is no good reason why a piece of real estate that is encumbered with a mortgage should be burdened with greater taxation than a piece of real estate of the same character and value that is not mortgaged. Again, under the law if the mortgage is held by a nonresident of the state, and a great many of them are, no tax is levied against it because mortgages are construed to be personal property. Personal property is supposed to be assessed where the owner of the property resides. If domestic mortgages are to be taxed then

809

certainly foreign mortgages should be taxed. The sensible thing to do is to tax all mortgages, both foreign and domestic, as an interest in real estate. Being assessed as an interest in real estate they would then be assessed for taxation purposes where the land is and not where the mortgagee lives. The value of the mortgage should then be deducted from the value of the mortgaged estate and the owner of the real estate assessed upon the equity he possesses. . . .” 3 Jan. '07, p.38-39

- d **Wis.** Davidson. “. . . In 1903 . . . the passage of the mortgage exemption law resulted in the lowering of the local assessments of personal property that year by 16%. . . This legislation has entirely failed to meet the expectation of its advocates and the results of its enactment have disproved every argument advanced in favor of the exemption of credits. Its only result has been to exempt the owner of the credit without any corresponding advantage to the borrower. . . It has failed to lower the rate of interest as promised. This is clearly demonstrated by an investigation entered into by the tax commission during the last year of the rate of interest paid upon real estate loans in this state before and after the enactment of this law . . . It appears that the average rate of interest was 5.29% for the three years preceding January 1, 1903; and 5.42% for the three years following July 1, 1903. . . During the same periods it appears that the rate of interest charged by banks upon credits not affected by the terms of that act have been a trifle lower during the later than earlier period. . . It appears from the report that the small borrower, the person who most needs the protection of the law, receives no benefit from the mortgage exemption. Very large mortgages, in sums over \$5000, seem to constitute an exception to the rule. . . I therefore recommend that chapter 378, laws of 1903, be repealed and the law be restored as it was before the enactment of said chapter. In restoring the former law the balance of credits above indebtedness which should be assessable and taxable should include moneys as well as credits.” 10 Jan. '07, p.6-12

810

Exemption from general property tax

See also under special classes of taxes

- a **Neb.** Sheldon. “Another amendment that is needed to the revenue law is one that will permit the deduction of bona fide indebtedness. Under the present law a man who is in debt is taxed for all that he possesses and for all that he owes. The debtor class of property holders should not be compelled to bear extraordinary burdens of taxation. Notwithstanding the fact that almost every other state permits the deduction of bona fide debts in some form or another, we are still discriminating against the debtor class which is neither fair, right nor just.” 3 Jan. '07, p.39

812 Charitable, educational and religious institutions and societies

- a Ga. Terrell.** "I have frequently urged upon the General Assembly the submission of a constitutional amendment to the people, under which the Legislature would be authorized to relieve college endowments from taxation. . ." 26 June '07, p.21

819

Assessment

- a Ga. Terrell.** ". . . Our present laws upon the subject of tax returns are substantially what they were over a century ago, and do not afford as ample machinery for enforcing the ad valorem requirement of the Constitution as the honest and conscientious taxpayer is entitled to receive from the state. . ." 26 June '07, p.7-8
- b Kan. Hoch.** ". . . I think most of this whole taxation problem could be solved by adding to present laws severe penalties for their violation, including severer penalties for perjury in listing property for taxation, and I recommend that this be done. That the owners of \$140,000,000 should swear that they had but \$5,000,000, and escape taxation and punishment alike, is simply monstrous. . ." 8 Jan. '07, p.5
- c Minn. Johnson.** "As much of the inequality arising from the application of the tax laws is due to inefficient machinery for assessment, you may find the following change worth your consideration, namely, the abolition of the office of assessor in cities, villages, and towns, and in their place establish either a tax commissioner for the county, or in the larger counties, a tax commission of three or five persons, to be employed annually with a view of the proper listing of property and the better equalization of existing values." 9 Jan. '07, p.13
- d N.D. Sarles.** "At a meeting of the county auditors recently held, a resolution was adopted favoring county assessors instead of present system. I believe the change would be of great benefit for many reasons." 9 Jan. '07, p.15
- e S.D. Crawford.** ". . . The Auditor recommends that the Legislature appropriate funds to enable the State Board of Assessment to perform the duty imposed upon it by chapter 40, Session Laws 1905, making it the duty of that board 'to take such means and measures as they shall deem proper and expedient to ascertain, discover and place upon the proper assessment rolls and tax lists all taxable property in any county omitted from such assessment rolls and tax lists or which has been omitted or concealed from assessment,' calling attention to the fact that the Legislature of 1905, which enacted this law, made no provision by appropriation for carrying it into effect. I heartily join in the recommendation of the Auditor." 8 Jan. '07, p.8-9
- f S.D. Crawford.** ". . . It is a well known fact that local assessors fail to assess moneys and credits and a vast amount of property never goes upon the tax rolls. The poor man whose

only possessions consist of a home, a little household furniture, and a horse or cow, can not hide his property from the assessor, nor does he attempt to do so. The law should be amended in the respects I have pointed out and then enforced. . . The law enacted two years ago, giving the State Board of Assessment authority to take such means and measures as may be necessary to ascertain, discover and place upon the assessment rolls taxable property omitted therefrom or concealed, should be made effective by making an appropriation which would enable this board to employ an agent to go out over the state and make a personal investigation of such cases and report the same to the board. I earnestly recommend this subject to you as one of the greatest importance, demanding effective legislation at your hands. . ."

8 Jan. '07, p.36

- g Tenn. Patterson.** "There is a lack of uniformity in the assessment of property in our state and the Comptroller, in his report, thinks that much of this could be avoided by a county assessor, with such assistance as may be needed, to take the place of the district assessors. I agree with his view on this subject and recommend legislation that will carry it into effect. In my opinion, the creation and retention of back tax assessors has done the state much harm and no good. . . A state auditor could exercise every necessary power the back tax assessors now have, and when there has been no assessment or a fraudulent assessment of property for taxes, this could be corrected by the boards of equalization of the state and counties, by requiring a reassessment, but when an assessment has once been honestly made and the taxes paid, it should be a protection to every man, firm or corporation, and there should be no power in such cases to back assess. The county assessors should be held to a rigid account in making all assessments, and I recommend appropriate legislation to this end."

7 Jan. '07, p.14-15

Recommendation renewed.

1 Apr. '07, p.4-5

- h Tex. Campbell.** For equalization and collection of taxes recommends: penalty for failure to return promissory notes, accounts and other credits; measures for reaching same; measure of indemnity for property taken or destroyed to be the value rendered for taxes; owners to list fire insurance, said insurance to be attached to assessment lists returned to boards of equalization; oath as to correctness of rendition and value of property; oath of assessor as to inspection and valuation of property to be filed with the county clerk; ink or indelible pencil to be used in filling rendition and assessment blanks; oath of members of boards of equalization to assess all property at its real value, said oath to be filed with county clerk; assessment sheets, valuations and memoranda to be delivered to the grand jury which shall find indictments for violations and report to the district judge as to correctness of lists and valuations; any officer on

819

failure to perform duties required to be removed at suit of the Attorney General; State Revenue Agent to investigate and report derelictions to the Attorney General. 16 Jan. '07, p.17-22

i U. Cutler. Recommending a resolution providing for the amendment of the state Constitution relative to the rate of state assessment. 11 Feb. '07

j W. Va. Dawson. Increased powers for State Tax Commissioner that all taxable property may be reached. 8 Jan. '07, p.15-17

k W. Va. Dawson. ". . . In order to have uniformity and justice, we must keep up all values to the standard fixed by the law; and in order that this may be done I again invite your attention to what seems a necessity, a state board of assessors. I have discussed this in connection with a corporation commission. The board which assesses the property now assessable by the Board of Public Works should constitute this state board of assessors, whose duty it would be to see that all property was assessed, and all assessed up to the standard. . . I would have assessed by that board all property of such peculiar nature as to require expert knowledge, which expert knowledge we can not expect the county assessors to have, generally. I think it would be better if this state board should assess all banks and banking institutions, building and loan associations, and leaseholds. One of the most difficult kinds of property in this state to assess is undeveloped coal lands. Allow me to urge that you place means at the disposal of the State Tax Commissioner so that he may employ experts to assist the assessors in valuing property of this kind. . . ." 8 Jan. '07, p.17-19

n W. Va. Dawson. ". . . Assessors do not have time, as the law now is, to make a proper assessment. . . A year ago the State Tax Commissioner had an institute of the assessors. The attendance was remarkable and the results were most excellent . . . As far as possible, the assessment in every county should be made by one man, so as to have one standard of value. If he gets all the property of the county 20% too low, nobody in the county is hurt, because it is uniform, and the same remark applies if he gets it 20% too high; but where you have several assessors and one gets the property at 100% of its value, another at 75% of its value, you have a want of uniformity and consequent injustice. I recommend that the assessment year begin on the 1st day of July, that the books be made up and ready for the levying bodies by the middle of June, when they will be required to meet in the preliminary meeting to make off estimates as elsewhere suggested. . . ." 8 Jan. '07, p.24-25

820

Real estate

a W. Va. Dawson. ". . . It is sometimes said that we ought to treat tenderly unimproved real estate. On the contrary, I think no favor should be shown to that class of property, for

TAXATION

we often see large bodies of valuable timber or mineral land held for speculation, which rapidly increase in value without any effort or expenditure on the part of the owner, but through the thrift and enterprise of other men. The same thing is true of unimproved real estate in the form of town lots in growing cities and towns. . . ."

8 Jan. '07, p.28

823

Personal property

- a **Ind. Hanly.** "The schedule of personal property provided in the present tax law should be so amended as to require every person owning or holding taxable notes, mortgages, bonds, or other securities to write into his return an itemized statement, giving each note, mortgage, bond or other security, with the amount of the claim it evidences and the name of the obligor. Each citizen should also be required to particularly specify in his return all stock he holds in any foreign corporation, giving the amount of each certificate. A large portion of this class of wealth is regularly escaping taxation. Under the form of the present schedule the citizen is simply required to give the gross valuation of all such securities. His statement is usually accepted. If he were required to give the items, with the face value and character of each, the assessing officer would be in a position to intelligently declare their value. Such property represents a form of wealth which has reached enormous proportions, and in fairness and common honesty it should be compelled to bear its share of the cost of administering the government that protects it."

10 Jan. '07, p.31-32

824

Domestic animals

(Taxation and assessment)

- a **Mon. Toole.** ". . . The law provides for levying a special tax, not exceeding one half of one mill, upon the assessed value of all cattle, horses, mules and asses, to be known as the 'stock indemnity fund.' There is no uniformity in the tax levied. It varies according to the caprice of the commissioners in the several counties, and in some counties no levy is made. . . . If a uniform levy of one mill were made and a penalty fixed for a failure to make it, this fund would soon furnish ample money to make proper indemnity."

8 Jan. '07, p.37

825

Review. Equalization. Adjustment

For equalization by states *see also* 800

- a **Ala. Comer.** "The tax values of the state are very crude, irregular and unequal. Time has shown that it is practically impossible for the tax assessors of the different counties to establish equitable and just values of the properties, and particularly so when it comes to the comparative relations of the different counties in the state. Therefore, I suggest that you establish a

state assessing board, composed of three members, giving them general supervision of the tax assessments of the state, and whose duty it shall be to equalize the values of all property in the state so that the same general relation will be established for assessing tax values on all the property in all of the counties of the state."

15 Jan. '07, p.15

- b Del. Lea.** ". . . It is a matter of vital importance that the valuation of property should be equalized and made in accordance with a certain fixed and definite rule, thereby making all assessable property contribute its share towards governmental protection. The experience of other states has demonstrated that a board of equalization has afforded the greatest measure of relief from this hardship than any other suggested. I suggest that the final determination of the equalization of assessment should not be left in the hands of any individual or board which expends the funds arising from such assessment and taxation."

1 Jan. '07, p.8

- c Minn. Johnson.** Equalization of taxes. 9 Jan. '07, p.4-5

- d N. C. Glenn.** ". . . Require the assessors, as is now the law, to view and inquire into the true value of all the realty in their county, and without letting the owner have any knowledge of what valuation they have affixed, make their report to the Board of Equalization. Then require the list taker, in addition to making every taxpayer list under oath his personalty, also under oath give in all his realty of every description, no matter where situate, as well as his interest in it, with also his estimate of its true money value. That the list taker be allowed to question the taxpayer under oath, or others if he desires it, touching the value of the property given in, and then send his report, with the sworn statement of the owner, to the Board of Equalization. That after the returns of the assessors and list takers have been received, the Board of Equalization, organized as required under section 5239 of the Code, shall examine them, and take any further evidence, oral or otherwise, that they may desire, touching the value of the taxpayer's realty and personalty, and then fix the value of the taxpayer's property. By this plan the Board of Equalization, having before them the valuation as fixed by the assessors, and the owner, and other persons, could scarcely make any mistake in assessing the property at a fair value; and this system being the same in all counties, would necessarily bring about more uniformity. . . ."

9 Jan. '07, p.5-7

- e N. D. Burke.** ". . . I . . . recommend to you the enactment of a law providing severe penalties for the neglect or refusal of assessors to assess property at its actual value, for the neglect or refusal of property owners to list their property with the assessor when called upon to do so, at its actual value, and for the neglect or refusal of any member of a board of equalization to increase the assessed value of any property to its actual

value. And I further recommend that the board of equalization be given power to subpoena any property owner to appear before such board and to answer upon oath all questions relative to any property owned by him, subject to assessment, and to produce all books and inventories in relation to the same. . . .”

9 Jan. '07, p.9

- f **S. C. Heywood.** “. . . The present laws, if properly enforced, would to a great extent remedy this unsatisfactory condition of affairs. The only change I shall suggest looking toward their enforcement is that the State Board of Equalization be changed, as it is at present too unwieldy. Another objection is that the various members naturally feel that they represent their own counties, and not the state at large. It would be wise, in my opinion, to reduce the membership of the State Board, limiting it to five members, these to be appointed by the Governor and confirmed by the Senate. Two of the members should devote their entire time to this work, and should receive a fixed salary and traveling expenses. These members should visit the various counties, consult with the auditors and local assessing officers, should hear all complaints and should regulate the equalization of all taxable property in the state. . . .”

8 Jan. '07, p.3-4

- g **W. Va. Dawson.** “The statute allows any of these interests the right of appeal from the assessment of the board to the Circuit Court of the county in which the property is. All the interstate railroads, except the Pennsylvania lines, took advantage of this law. The necessity of amendment of this law is shown by the fact that the Baltimore & Ohio Railroad Company, which was among the appellants, lies in 26 counties, and unless an agreement has been made to the contrary, it would have been necessary to have had 26 different hearings. This fact alone shows the impracticability of the present law and the necessity of a change in it, which I refer to elsewhere. . . .”

8 Jan. '07, p.32-33

- h **W. Va. Dawson.** “This body [the Board of Public Works] is composed of the Governor, the State Superintendent of Free Schools, the Auditor, the Treasurer, and the Attorney General with the Secretary of State as the secretary. . . . The Board of Public Works has too much work to do to do it well. . . . I have thought a great deal about how to relieve the board and at the same time not create any new offices, and with a minimum extra expense to the state. It has occurred to me that what I have called the railroad commission, might be called the corporation commission, and in addition to the powers that will be given to it as a railroad commission, also put upon it the duty of assessing the property that the board of public works is now required to assess, and also to make of it in connection with the State Tax Commissioner a state board of assessors. . . . I suppose that the three men who would constitute the railroad commission

would have time enough to perform these extra labors that I have indicated; and if so, I recommend that the Board of Public Works be relieved in the manner indicated, and let it be an appellate body. Instead of appeals being from the state assessing board to the Circuit Courts, let the appeal be to the Board of Public Works, with the further right of appealing to the Supreme Court of Appeals on any question of law involved, but not upon a question of valuation. The courts are not the proper tribunals to assess the value of property. . . .” 8 Jan. '07, p.40-42

827

Collection

a **Neb.** Sheldon. “. . . The citizens of Nebraska can not enjoin the collection of a tax levied against their property, because they are denied that privilege. But railroads, being nonresidents of the state seek relief through the federal courts. Until Congress shall pass a law depriving them of this privilege they probably will continue this practice. It is, therefore, recommended that a joint resolution be passed memorializing Congress to pass a law that will deprive a nonresident from enjoining the collection of a tax levied upon property within the state. . . .”

3 Jan. '07, p.39-40

b **W. Va.** Dawson. “The sheriff should collect all taxes levied on property, except such as is payable directly to the Auditor and the capitation taxes collectible by the assessors. He should collect all property tax levied for state, county, district and municipal purposes, and the collection of municipal taxes by city collectors should be abolished. There are two good reasons why this should be done. The first reason is because it would be more economical, for one man can collect the taxes cheaper than two men. The second reason is that it would be less annoyance to the taxpayer. . . .”

8 Jan. '07, p.27-28

829 Delinquent taxes. Tax sales. Redemption

a **Minn.** Johnson. “. . . The Legislature should . . . authorize collection by the state of interest on back taxes of all corporate companies. Such interest penalties, moreover, will have a beneficial effect in causing such corporations to be cautious in the matter of allowing their taxes to become delinquent.”

9 Jan. '07, p.15-16

830

Income tax

a **Minn.** Johnson. “. . . I would call your attention to the inefficiency of the present personal tax system and the necessity of consideration of providing for some reasonable method of the taxation of credits generally, including stocks and bonds and moneys, all of which are presumed under our present law to bear a proportion of the burden of taxation, but which have almost entirely escaped this burden. . . . Various suggestions have been

made as to the best method of reaching this class of property, and some students of taxation have recommended a graduated income tax. If this is attempted it should be approached very cautiously because of the fact that under any system of taxing incomes, reliance would have to be largely upon the statement of the person taxed, and even under the most rigid and honest administration of the law there would be the usual evasion by false returns and thus be a fruitful source of perjury, result finally in a system that would be unequal in its operation, and bear more heavily upon the honest than the dishonest. However, the subject of a graduated income tax is worthy of your most careful and honest consideration."

9 Jan. '07, p.16

- b **Or.** Chamberlain. "Another mode of taxation which should be resorted to is that of a graduated income tax. There could be no constitutional objection to it, nor could there be any injustice in levying a reasonable rate upon all incomes, ranging from say \$3000 upwards, increasing the rate as the income increases. . . ."

16 Jan. '07, p.9

- c **Tex.** Campbell. "A graduated income tax upon all annual incomes with appropriate exemptions should be provided and your careful consideration of this subject is suggested. I regard this principal of taxation as sound and altogether just. The revenue derived from this source should be apportioned three fourths to general revenue and one fourth to the available school funds."

16 Jan. '07, p.22

Recommendation renewed.

16 Apr. '07, p.8

- d **U. S.** Roosevelt. ". . . An income tax stands on an entirely different footing from an inheritance tax; because it involves no question of the perpetuation of fortunes swollen to an unhealthy size. The question is in its essence a question of the proper adjustment of burdens to benefits. . . . The first purely income tax law was passed by the Congress in 1861, but the most important law dealing with the subject was that of 1894. This the court held to be unconstitutional. . . . It is the law of the land, and of course is accepted as such and loyally obeyed by 'all good citizens. Nevertheless, the hesitation evidently felt by the court as a whole in coming to a conclusion, when considered together with the previous decisions on the subject, may perhaps indicate the possibility of devising a constitutional income tax law which shall substantially accomplish the results aimed at. . . ."

3 Dec. '06, p.24

- e **W. Va.** Dawson. ". . . It seems to be self-evident that the principle of the income tax is the just one as regards ordinary taxation, and the only just one. I hope the day is not far distant when we shall have no other form of taxation in this state except certain excise and license taxes. The new basis of value, that is, the true and actual or market value, involves the principle of the income tax. The market value of property, if not wholly,

830

at least is very largely determined by the earning capacity of the property, or perhaps it is more accurate to say, what the property will earn. . . .” 8 Jan. '07, p.30-31

- f **Wis.** Davidson. “I wish to urge upon the Legislature the importance of the constitutional amendment providing for an income tax. . . . The income tax should aim to reach such property as otherwise escapes, and to compel contribution to the public funds from those who are best able to pay them. . . .”

10 Jan. '07, p.12

831

Poll taxes

See also 132, Suffrage; 814, Exemption from taxation

- a **W. Va.** Dawson. “. . . The Assessor should be required to report monthly to the Auditor during the time which he is authorized to collect these [capitation] taxes, of the amount collected, and to pay the same directly into the state treasury. There is no reason why he should pay this money to the sheriff, and that the sheriff should be paid a commission for receiving it. The assessor should be required to make a final report to the County Court when he returns his books, or some other time, of all delinquencies, and these should be placed in the hands of the sheriff or other collector or collectors, for collection, and part of the cost of making collection of these delinquencies should be charged up to the assessor who failed to collect them.”

8 Jan. '07, p.27

833

Business taxes. Revenue, license or privilege taxes

See also 907, Liquor licenses; 1532, Regulation and licensing of trades and occupations

- a **Mon.** Toole. “There is a consensus of opinion that the occupation license tax, except liquor licenses, should be repealed whenever the assessable value of property in this state reaches an amount which with other sources of revenue will be adequate for the maintenance of the state government. That time, however, in my opinion has not yet arrived. . . . The state now receives 45% of licenses, which goes to the general fund and 5% to the bounty fund. If the counties are in condition to dispense with the revenues arising from this source and are willing to do so, I suggest that this license tax, except for sale of liquors, be reduced 50% and that the whole of such revenues go into the general fund of the state. This would be a good beginning, and licenses might soon be dispensed with entirely. . . .”

8 Jan. '07, p.27

- b **N. C.** Glenn. “. . . As to what has been said in regard to want of uniformity in both realty and personalty, the same can be added as to the violation of the Constitution as to returns on privileged taxes. To illustrate: One county returns a large

833

amount collected from horse dealers, peddlers, etc.; another returns nothing, and yet perhaps the latter county has been the resort of more horsemen and peddlers than the one paying the tax. The Treasurer suggests that he has no machinery and not sufficient knowledge of what is going on in the different counties to properly collect this tax, but that the sheriff of each county be required to collect all special taxes for the state, receiving commissions for so doing, as in case of other taxes. This would make the sheriffs more alert, and the amount saved by the change would be greatly in excess of what we now collect. I indorse the Treasurer's suggestion most heartily. . . ." 9 Jan. '07, p.7-8

- c **Tenn.** Patterson. ". . . I recommend that no attempt be made to increase the tax on land, for it already pays its full, and probably more than its full, proportion of the public burden. . . . I recommend that you give close scrutiny to the matter of assessing privilege taxes with a view of seeing whether they are uniform, as they could be, or so devised as to give exemption in whole or in part to any occupation of the individual, or to any corporation doing business in this state and subject to the tax." 7 Jan. '07, p.19-20

- d **Tex.** Campbell. "The removal of the occupation tax upon all useful occupations will materially reduce the income for general revenue and school purposes, and this loss can be justly met by an increase of occupation taxes upon occupations other than those classed by the Legislature as useful, and a further increase of all franchise taxes, and this action is respectfully recommended." 16 Jan. '07, p.22

836

Inheritance taxes

- a **Ind.** Hanly. "I am thoroughly convinced of the necessity and the justness of a law which shall provide for the taxation of the devolution or succession of property by devise or inheritance. . . . The rate should be progressive, increasing with the value of the inheritance, and as to collateral heirs, it should run from 5 to 25%. . . . France derives \$40,000,000 a year from this source, or 6% of its entire national revenue. Great Britain receives from this source \$70,000,000, or 10% of its revenues. In eleven months of the year just past Louisiana received \$86,655 from this tax; Vermont, \$40,581; Colorado, \$51,236; Maine, \$70,000; Iowa, \$190,748; Minnesota, \$159,455; Missouri, \$212,814; Wisconsin, \$103,917; Massachusetts, \$712,720; Illinois, in the two years last past, \$1,376,264; Pennsylvania in 1895, \$1,677,185. . . ." 10 Jan. '07, p.58-61

- b **Ia.** Cummins. ". . . The propriety of levying also a direct inheritance tax may well engage your attention. I do not look upon a tax of that character as a method for the reduction of swollen fortunes. I view it solely as another effort to equalize the burdens of society. It ought not to be levied upon small inheritances; but after the proper limit is passed, there is no reason

836

which justifies a collateral inheritance tax which will not also vindicate one upon direct inheritances. . . ." 14 Jan. '07, p.13

c **Mass. Guild.** ". . . I believe the time has come when the increasing needs of our treasury demand a graduated tax on direct inheritances. . . ." 3 Jan. '07, p.11-12

d **Or. Chamberlain.** ". . . The tax should be graduated and increased as the inheritance increases, applying the same rule to lineal as to collateral kindred. . . . The system of taxing inheritances which I propose is constitutional, and is certainly most just, and a proper adjustment of it in this and in other states must be the solution of the gradual absorption of the wealth of the country in the hands of a few. . . . In this connection your attention is called to the fact that through the incorporation of large estates, and the distribution of the stock prior to the death of the ancestor, the inheritance tax law even as it stands is likely to be avoided, and provision should be made to prevent this evasion. . . ." 16 Jan. '07, p.7-8

e **U. S. Roosevelt.** ". . . I feel that in the near future our national legislators should enact a law providing for a graduated inheritance tax. . . . In any event, in my judgment the pro rata of the tax should increase very heavily with the increase of the amount left to any one individual after a certain point has been reached. It is most desirable to encourage thrift and ambition, and a potent source of thrift and ambition is the desire on the part of the breadwinner to leave his children well off. This object can be attained by making the tax very small on moderate amounts of property left; because the prime object should be to put a constantly increasing burden on the inheritance of those swollen fortunes which it is certainly of no benefit to this country to perpetuate." 3 Dec. '06, p.22-24

f **Wis. Davidson.** "The inheritance tax law, as passed in 1903, has already proved to be a most fruitful source of state revenue. During the fiscal year 1906 there was collected under this law \$229,919.54, and the income from this source is constantly growing. . . . I recommend that the administration of the inheritance tax law be transferred to [the Tax] Commission. . . . The state should be represented by an attorney at County Courts when estates subject to this law are in process of administration."

10 Jan. '07, p.12-13

841

Corporation taxes

Including taxation by general property tax

a **Ala. Comer.** "I recommend that railroad properties and the properties of other public service corporations in this state shall be assessed for taxation at a valuation in proportion to the valuation they give in for the purpose of fixing freight rates and charges on the people of the state. I recommend that franchises, which have a money value, shall be classed as any other property

TAXATION CORPORATIONS

841

in the state, and shall be valued as any other property in the state and pay taxes." 15 Jan. '07, p.15

- b **Fla.** Broward. ". . . I . . . urge that a law be enacted making franchises taxable at their real value, and taxed as other property, either together with the tangible property used in connection with the franchise, or separately." 2 Apr. '07, p.12-16

- c **Ia.** Cummins. "It is believed by many of the most thoughtful students of governmental affairs that the time has come for an annual franchise corporation tax. I concur in that belief. . . ." 14 Jan. '07, p.19

- d **Mass.** Guild. ". . . The commonwealth has been steadily deprived of its legitimate revenue for the benefit of local purposes. The whole corporation tax, both by theory and precedent, belongs to the state. Nearly the whole is now returned to cities and towns, and it is a well known fact that in many instances the revenue received by certain localities from the commonwealth on this account actually exceeds the amount paid by these localities towards the expenses of the commonwealth as their proportion of the direct state tax. As long as any of this tax is diverted from the state treasury, where it belongs, to town and city treasuries, there will be local disputes as to the method of distribution." 3 Jan. '07, p.8-9

- e **Or.** Chamberlain. "The burden of taxation has in the past fallen in the main upon real property, whilst personal property of every kind, public service and other corporations have not contributed their just proportion to the burdens of government, and laws ought to be enacted that will reach all of this class of property which now practically escapes taxation." 16 Jan. '07, p.7

- f **U.** Cutler. Transmitting suggestions as to the more equitable taxation of certain companies. 5 Feb. '07

842 Incorporation and license fees and taxes

See also 500, Corporations

- a **Id.** Gooding. "I find on investigation that the fees paid to the Secretary of State for the filing of articles of incorporation are much less than in other states. The revenues of the state can be largely augmented by increasing the size of these fees. I also find that in other states a yearly tax is levied on corporations, besides the tax on the corporation's property. This is the practice in many of the older states of the Union. In my judgment, this matter should receive careful attention, and if it is found that the passage of a law levying a graduated tax upon corporations, as a form of license, would work beneficially, such a measure should be passed." 8 Jan. '07, p.27-28

- b **Minn.** Johnson. "Your attention is likewise respectfully called to the following resolution of the State Board of Equaliza-

842

tion . . . with the spirit of which I heartily concur: Resolved, by the State Board of Equalization, that the Governor is respectfully requested to ask for the passage of a law by the next Legislature fixing an annual license fee of say \$10 for each and every corporation, whether local or foreign, doing business in the state of Minnesota, with a proviso that in the case of failure to pay said annual fee, the offending corporation be barred from the courts of this state, and their charter be considered annulled, said license fee when paid to be accompanied by the address of the principal office, the name of the officers and the amount of capital paid in of said corporation. . . ." 9 Jan. '07, p.16-17

- c S. D. Elrod. "However, I think a law should be passed to impose taxes upon corporations, associations and joint stock companies, chartered or incorporated under the laws of any other state, for the privilege of coming into this state for the purpose of doing business here; provided it is found to be within legislative control in the exercise of its police power. If such an act is passed, it should provide for the collection of said taxes and the payment thereof into the state treasury. . . ." 8 Jan. '07, p.35-36

- d Wash. Mead. "The state suffers a great loss in its revenues by reason of the failure to collect from corporations a large portion of the annual license fees. This fee is a first lien upon the corporate assets and its payment should be speedily enforced. There is no reason why it should not be collected as expeditiously as are general taxes levied upon personal property. Provision should be made for the collection of this tax immediately after it becomes due, with the costs of suit chargeable to delinquent corporations. If the assets of the corporation should prove insufficient to meet the tax and costs, then it should be dissolved by judicial decree. . . The fee for incorporating and the annual license thereafter are very small as compared with other states, and it is believed that they could be increased to \$25 without injury to existing corporations or without deterring the formation of new ones. This increase would add at least \$150,000 annually to the state's revenues, and to that extent would relieve the burden of general taxation." 14 Jan. '07, p.12-13

843

Banking institutions

See also 1679, Banking

- a Ind. Hanly. ". . . Under the present law the valuation of banks, state and national, and of trust companies is made by local authorities. From wide observation and information I am prepared to say to you that there is no other class of property in the state so unequally valued. In some counties these institutions are assessed as low as 60% of the amount of their capital, surplus or undivided profits. Having in view the equality of

valuation as a fundamental principal of just taxation, I recommend that all banks, state, national and private, and all trust companies be required to file their reports for taxation with the Auditor of State and that the State Board of Tax Commissioners be authorized to make the valuation of all such institutions. . . There should be legislation providing that the capital invested in any private bank shall be divided into shares of \$100 each, and that such shares be returned for valuation and assessment in the same manner the shares of stock of incorporated banks are returned for valuation and assessment. An act providing for the valuation and assessment of the shares of capital or capital stock of all banks, private, state and national, and of all trust companies, should receive your early consideration. Such legislation should provide a method of ascertaining the actual value of the shares of capital invested, or of the shares of capital stock, by taking into consideration the market value thereof as disclosed by the usual selling price at private sale in the place where the institution is located; the dividends paid, if any; the surplus or individual or undivided profits, if any. . . ."

10 Jan. '07, p.29-30

- b **Vt. Proctor.** "Some national banks in the state run in effect a savings bank department and pay interest on certain time deposits. To the extent this is done the state receives no revenue thereon and it is doubtful whether such deposits generally get into the grand list of the towns. Some means should be devised to secure proper taxation of such savings deposits, because they should bear taxation equally with other savings deposits and because also without it national banks are enjoying a preference in a business, which does not properly appertain to them, over institutions which are especially created by the state for that purpose. If such deposits in national banks can not be taxed directly by the state, and probably they can not be, I recommend that provision be made for requiring national banks to disclose the names of their savings depositors and the amounts of such deposits in order that they may be properly taxed in their respective towns. There are decisions of the courts sustaining the right of a state to do this."

4 Oct. '06, p.20

- c **W. Va. Dawson.** "The law concerning the taxation of banks needs amendment. The alternative provision should be stricken out, and there should be but one way to assess their property. They should be assessed according to their capital stock, surplus and undivided profits, as that is a very good index of their earning power, and a proper basis of the market value of the shares of stock. I think the assessment would be better done if the banks were assessed by the board of public works or other state board. The present law operates to the disadvantage of the state banks. . . . If you change the law so as to base the taxation of all banks on the shares of stock, which the national laws

will allow you to do, you will have a method which will be fair to both kinds of banks, and prevent discrimination. . . . There is no good reason why the real estate that a bank owns should be assessed as real estate, and put on a separate book. . . . If all the value that the bank owns, whether real estate or personal property, is assessed, it does not matter for taxation purposes whether it is called real estate or personal property, or whether it is entered in one book or two books. . . ." 8 Jan. '07, p.26-27

845 Transportation and transmission corporations

See also 1200, Transportation; 1283, Exemption of railroads

- a **Ala. Comer.** Recommends authority be given Railroad Commission to ascertain true value of property of railroads.
15 Jan. '07, p.9-10
- b **Ill. Deneen.** "In my judgment, the interests of the state imperatively demand that a uniform rule for the division of freight and passenger earnings between the charter lines and the other lines and branches constituting the present system of the Illinois Central Railroad Company should be definitely fixed, and the rights of the state, as well as those of the company, under the charter, be determined and settled. I am advised by the Attorney General that no power exists either in the executive or legislative branches of the state government, to compromise any claim which the state has or may have under the charter against the Illinois Central Railroad Company. The questions, therefore, must be submitted to the courts for determination, and with this end in view, the Attorney General is now engaged in the preparation of a suit. . . . The preparation and trial of this suit, embracing as it must an accounting between the charter lines and some fifty different branches extending over a series of years, will involve a vast amount of labor and investigation and a large amount of necessary expense. It will be necessary to employ a large force of accountants as well as clerks, special investigators and railroad experts. I am advised by the Attorney General that special attorneys may be required by him, as his entire force of assistants is at all times needed to attend to the general public business of his office. . . . I, therefore, recommend that an emergency appropriation of \$100,000 be made to the Governor and an emergency appropriation of \$50,000 be made to the Attorney General for the purpose of the preparation and trial of said suit."
10 Jan. '07, p.12-13
- c **Ia. Cummins.** "The 28th General Assembly passed an act providing for the taxation of the property of express companies, which the Executive Council has, since its passage, been attempting to apply. The object of the statute is to ascertain a taxable mileage value of all the routes of a given express company, and then take the proportion in this state as a basis for taxation within

the state. Unquestionably, the General Assembly had in mind the ordinary railway lines over which express companies do their business on land. The fact is, however, that some of the express companies have ocean routes, of tremendous distances but of little value, and it is contended, year after year, that in ascertaining the value of the routes in Iowa the council must take into consideration the ocean lines as well as the land lines. To do so would be to reduce the taxable value of the lines in Iowa to an absurd point, but the letter of the law gives some strength to the argument. I recommend a careful revision of this statute, so that all doubt respecting its interpretation will be removed, and a fair valuation clearly imposed. . . I recommend the passage of a law that will set up the same criterion for telegraph property that you have established for express property."

14 Jan. '07, p.25-26

- d **Mich.** Warner. "I concur in the recommendation of the State Tax Commission that the law governing the taxation of express companies be amended so as to eliminate from the computation on which the tax is based the ocean mileage of these companies. The inclusion of this mileage renders the result little less than farcical. . . The satisfactory operation of the ad valorem system of assessing railroad property suggests the desirability of extending this system so as to include the property of telegraph and telephone companies. The present method of taxing the latter corporations is uncertain and unsatisfactory. . ."

3 Jan. '07, p.17

- e **Minn.** Johnson. "I desire to call your attention especially to the necessity of changing the present law with regard to the taxation of sleeping car companies. Our statute now provides that annually on or before May 1, every sleeping car company shall make to the State Auditor a report on its gross receipts during the preceding calendar year, for fares between points within this state. That is, beginning at a point within this state, and terminating at another point within this state, which report shall be verified by some proper agent or officer of such company having official knowledge of the facts, and that upon such report the company shall pay to the State Treasurer a tax of 3% upon such gross earnings which shall be in lieu of all other taxes. Under this statute, the company has paid a very small tax, wholly out of proportion to its earnings within the state, and not in the same proportion as other corporations paying on a gross earning basis. It is a well known fact that sleeping car companies evade the spirit of this law. For instance, buying a sleeper ticket from St Paul to Crookston, the passenger is supplied with a ticket to Grand Forks, N. D. If the destination is Moorhead, within our own state, the ticket is sold to Fargo, without the state. This same rule has applied to all points near the border of any other state, so that the business of the company

845

has been very slight locally and very largely an interstate business. Upon all business to remote points, such as Portland, Seattle, Chicago, and elsewhere, the state has received no tax. The present statute covering this question is an absurdity and should be changed at once. The sleeping car companies should be required and compelled to report all of their business, local and interstate, and be compelled to pay in proportion on the same general basis applied to railroad companies, and the tax should be increased to 4% at least; or, we should adopt the excise tax plan now in use in the state of Ohio, which in substance requires the sleeping car companies to file a complete statement of the condition of their company, giving the par and market value of their stocks and bonds, and all other information designed to determine the actual value of the property and franchises of the corporation, and to levy a tax in proportion to the volume of business and earnings within the state." 9 Jan. '07, p.13-14

f **Minn.** Johnson. "I desire also to call your attention to the necessity of amending the tax laws so far as they relate to telephone companies. Under our present statute telephone companies are taxed on their gross earnings derived from business within this state, which shall be in lieu of all other taxes and assessments upon such company and its capital, the same to be paid into the state treasury on or before January 1 in each year. The law, however, imposes no penalty for the failure to pay said tax, the state being required to bring suit to recover the same. There certainly is no reason why an exception should be made of any public service corporation, and this class of property should be treated in the same manner as all other property, and the imposition of a penalty in the failure to pay taxes, as required by law, would relieve the state of unnecessary litigation and would not deprive the state of the use of the money. Then, too, these, and all other public service corporations which now pay taxes on earnings wholly within the state, should be required to pay pro rata on all interstate business as well. The law at the present time on this particular feature of the question is somewhat ambiguous, and the term 'gross earnings' does not explicitly state that interstate revenue shall be included as a basis of arriving at the taxable value of the property." 9 Jan. '07, p.14

g **Minn.** Johnson. "Your attention is directed to the feasibility and propriety of making a change in the matter of the taxation of express companies. Our statute now provides for the taxation of express companies, based on 6% of the receipts on business done between points in the state, after deducting the amounts paid to railroads for the transportation of freight within the state. This practically makes the rate of taxation of express companies 3%, as the railroads are paid about 50% of the revenue. Express companies do not include any proportion of the earnings or receipts on interstate business; that is, business which originates

in and terminates outside of Minnesota, and vice versa, and business passing through the state. . . I believe it would be more practical to take the total earnings of the express companies and ascertain Minnesota's proportion of such revenue for taxation purposes based on the ratio of mileage in Minnesota of such express companies, which the mileage bears to the total operated mileage; or, in lieu of some such provision, adopt the excise plan obtaining in the state of Ohio with relation to sleeping car companies, to which reference has already been made."

9 Jan. '07, p.14-15

- h Minn. Johnson.** "I would also suggest a change in the present law so far as it relates to the payment of railway taxes. Our law now provides for the payment of aid to high schools, graded, semigraded and rural schools to the extent of \$530,000 annually, and provides that this should be paid to the various districts in October of each year. This payment is in advance of the appropriation reaching the treasury department, and compels overdrafts, or the borrowing of money for this purpose, and thus creates a deficit in the state revenue fund each year. This deficit could be avoided in a large measure, if not altogether, by an amendment to the gross earnings act, so as to provide for the payment of railroad taxes semiannually, requiring railroads to pay a fixed portion of their gross earnings tax on or before September 30 of each year, and the remainder on or before February 28, following."

9 Jan. '07, p.15

- i Neb. Mickey.** ". . . A needed amendment [to the new revenue law], however, is one which will require the railroads to report to the State Board of Equalization and Assessments the actual amount of earnings of each road within the state as one of the bases of assessment. Freight rates in Nebraska are considerably higher than in the states to the east, and yet the earnings of the roads doing an interstate business are reported to the several states in the ratio which the total mileage bears to the mileage within each state. This is a manifest injustice to Nebraska. If the railroads persist in charging our people higher rates than they do the people of Iowa and Illinois, then the earnings reported to our State Board should be correspondingly larger and the assessment should be affected accordingly. . ."

3 Jan. '07, p.4-5

- j Neb. Sheldon.** ". . . Railroads which operate branch lines in Nebraska should be compelled to furnish for each and every branch line an itemized statement in detail of all the business transactions of the several lines, together with the value of the stocks and bonds of each line and the gross and net earnings of each. It is sincerely hoped that this Legislature will amend the revenue law in this respect. . ."

3 Jan. '07, p.40-41

- k N. Y. Hughes.** Recommends that street and highway crossings be included in the term "special franchise."

4 June '07

845

n **N. C. Glenn.** “. . . Railroads, like individuals, should be required to pay taxes on all their property at a fair valuation, and not be allowed to rate their property at a high value when borrowing money and at a very low rate when paying taxes, as most of them now do.” 9 Jan. '07, p.8-9

p **N. D. Burke.** “. . . There is a general feeling throughout the state that the railroads are not paying their just and proportionate share of the burden of taxation. Railroad property should be assessed upon the same basis as other property of the individual. There is only one way to assess property so that the burden may fall alike upon all, and this one way is by assessing it at its actual value. . . .” 9 Jan. '07, p.8

q **N. D. Burke.** “I recommend . . . that the State Board of Equalization be given the fullest power to inquire into the value of railroads in this state by subpoenaing the officers of said roads to appear before said board and furnish information upon oath concerning the value of railroad property, and the said railroad companies should, upon notice, furnish to the Board of Equalization all books and records. . . .” 9 Jan. '07, p.9

r **S. D. Crawford.** “. . . The State Board levies all the tax which is at all levied upon the property of telegraph, telephone, express and sleeping car companies in the state. The statute says that the tax so levied shall be equal to the average assessment of the state, county, school and municipal taxes levied upon other property for the preceding year, and shall be apportioned by the State Treasurer between the state and the various counties in which the company so assessed is doing business, the amount to which each county is entitled being determined by the State Board of Equalization. The statute does not authorize the board to include the average equivalent of the road tax levied upon other property the preceding year. At this time, when a cry is coming up from all over the state for better roads, these corporations are enjoying absolute immunity from road taxes. . . . It should be made the duty of the Board of Railroad Commissioners to employ experts for the purpose and to collect authentic and reliable information concerning the actual value of the railway properties in the state, not only for the purpose of making the same a basis for rate schedules, but for the purpose also of giving the State Board of Assessment some independent and reliable information of the real value of these properties. . . .”

8 Jan. '07, p.36

s **Tex. Campbell.** Recommends a State Tax Board, consisting of the Governor, Attorney General and chairman of the Railroad Commission, to assess railroads. 16 Jan. '07, p.22

t **U. Cutler.** “Express companies and electric light and power companies, like the telephone and telegraph companies, as a rule have property in two or more counties of the state. The law

845

should be so amended as to place the power of assessing these companies in the hands of the State Board of Equalization. . ."

15 Jan. '07, p.6-7

- u U. Cutler. Requiring the Secretary of the State Board of Equalization to furnish a bond in the collection of car company taxes.

14 Mar. '07

- v Vt. Proctor. ". . . The rate of seven tenths of 1% upon their appraisal was increased in 1904 to 1%. As the railroad companies have, with minor exceptions, continued to pay upon the basis of their gross earnings this has undoubtedly been less than 1% on an appraisal of their property. While railroads, therefore, are paying a tax of less than 1% on the appraisal of their property the average tax rate throughout the state is about 1.6%. . . It has been and should be the policy of Vermont to treat our railroad corporations fairly and with every consideration. We should take into account the natural conditions with which they have to contend in this state and the fact that they are contributing much to its welfare and upbuilding. However, they should bear their fair proportion of the burden of taxation and in equal justice to all interests in the state should pay an increased tax."

4 Oct. '06, p.18-19

- w W. Va. Dawson. Taxation of toll bridges.

8 Jan. '07, p.25

846

Mining

- a Ari. Kibbey. ". . . Some amendments of the existing law would enable assessors to assess and the local boards of equalization and the Territorial Board of Equalization to properly equalize the assessments of the mines by methods which could not be fairly criticized. If required to make two classifications of mines—classifying them as 'producing' and 'nonproducing'—county assessors, if at all intelligent, and attentive to their duty, would not value a nonproducing mine on an equality with a producing mine, as has been practically the rule. . . Apart from the present law, probably an effective method of taxing a mine would be to fix its value by the market value of the ore extracted therefrom, the value of the ore extracted each year to be taken as the valuation of the mine for that year. . ."

22 Jan. '07, p.25-38

- b Ari. Kibbey. "One of my objections to Council bill no. 45 is, therefore, that it is unfair, unjust and unequal to apply the rule of fixing the valuation of mines by taking one fifth of their annual product as their value unless the same rule is applied to all other kinds of property—the establishment of different rules makes equality impossible. I have the further objection that even as among producing mines the rule laid down in that bill will inevitably work gross inequality. I need not more than suggest to you that a mine yielding 3% copper ore is not worth nearly one half

846

as much as one that yields 6% copper ore even if all other things were equal and the gross bullion output be identically the same. . .

1st. It does not provide for the taxation of a mine the owner or operator of which does not reduce the ore to bullion. . .

2d. Again, I object to it because it exempts from taxation the machinery and other improvements on producing mines used in mining. . .

3d. I further object to the bill because it provides no penalty in the event the mine owner makes no statement as required by section 2 of the act. . .” I Mar. '07, p.6-16

c **Minn.** Johnson. “Under the new constitutional amendment it is within your power, as it is your duty, to provide some system of taxation which will give the state at least an approximately fair share of its just revenue income from this great iron ore wealth. One step in the right direction, it occurs to me, would be an income tax on the royalties or mineral rights; which are now listed for taxation. . . This tax on mine royalties, however, would not reach the large fee holders, like the United States Steel Corporation, who operate their own fee properties. The royalty value enjoyed from the use of such properties operated by the holding company is as great as from the leased properties. and the tax should, if possible, reach such royalty values as well as the royalties based on lease. . . I believe that at this session of the Legislature changes can be made in our tax laws which will substantially provide for the expenses of state government by this form of taxation; and when this can be done, taxation would be entirely left, as it ought to be, to the local governments for their self-control.” 9 Jan. '07, p.11-13

d **U.** Cutler. “In view of the fact that the law giving the Board [of Equalization] power to tax the net proceeds of mines has been declared unconstitutional, I ask that you consider the advisability of passing a resolution to submit to the people of the state an amendment to the Constitution giving the Legislature power to authorize the Board of Equalization to tax the net proceeds of mines. I would suggest that an appropriate committee be empowered to consider this matter.” 15 Jan. '07, p.7

849

Budget

See also 2575. Local finance

a **Fla.** Broward. “. . . Do not delay the preparation and consideration of the various appropriation and revenue bills concerning this most important matter until the work of the closing days of the session will prevent its proper and careful consideration. The receipts of the state of Florida from various sources, by failure to pass important legislation upon the subjects at the last session, were decreased several thousand dollars, and this failure was caused by delay of the Legislature in the consideration of these important matters. . .” 2 Apr. '07, p.2-3

ACCOUNTS

851 **Appropriation. Limit of expenditure**

- a **Neb.** Mickey. "I especially enjoin upon you that you see that all appropriations made for the institutions and for the various executive departments are specific and clearly defined. Not infrequently appropriations have been juggled with in the past and have been made to apply to expenditures which the Legislature never contemplated. . . ." 3 Jan. '07, p.13

852 *Governor's contingent fund*

- a **S. D.** Crawford. Denounces Governor's contingent fund and asks that appropriations for Governor's use be made for specific purposes. 8 Jan. '07, p.13-16

853 **Accounts. Methods generally. Collection of moneys. Warrants**

See also 2575, Local finance

- a **Or.** Chamberlain. Renews recommendations for creation of office of expert accountant to plan uniform system of bookkeeping for state and county offices. 16 Jan. '07, p.23
- b **Tenn.** Patterson. "The Auditor should be required and given the power to institute a uniform system of bookkeeping in all offices handling state revenue, so that each officer of the same class throughout the state will use the same system. . . ." 7 Jan. '07, p.15
- c **Vt.** Proctor. ". . . I recommend that in conjunction with the efficient present State Auditor this matter be given a thorough investigation during the present session, that the system prevailing in other states about our size be considered, that, if necessary, expert accountants be employed to advise with respect to a uniform system of bookkeeping and returns for the state, and that the whole clerical side of the Auditor's office be put upon the best up to date business principles. Some uniform system of municipal accounting should also be worked out in the same connection. I would go no farther nor make any greater expense than any private business concern would incur doing as large a business as the state of Vermont, scattered over so much territory and transacted through so many individuals and institutions; but I do not believe that the state can afford to do less. . . ." 4 Oct. '06, p.12-14
- d **Wash.** Mead. "Methods of handling state public funds should be devised to insure a systematic and effective check on every state official who performs the duty of collecting moneys. Under the present system no check is kept on collections made by any officer other than the account kept by the officer charged with the duty of receiving such funds. Large amounts accumulate and

853

occasionally a balance exists in excess of the amount of the bond required of the officer. Such a system is fraught with danger to the security of the public funds. . . ." 14 Jan. '07, p.11-12

- c **W. Va.** Dawson. ". . . Every officer who receives fees for his own purpose should be required to make a monthly report thereof. All district and county officers should be required to report monthly to the clerk of the County Court and that officer to the clerk of the Circuit Court, and these should be reported annually by the clerk of the County Court to the Auditor. These reports in the county offices, of course, would be open to the inspection of any citizen. . . ." 8 Jan. '07, p.81-82

854

Collection of state claims and revenue

- a **N. J.** Stokes. ". . . I have had a bill prepared for submission to the Legislature with this end in view. This measure, if it becomes a law, will make the offices of Treasurer and Comptroller receiving and disbursing offices for all sources of state income and all purposes of state expenditure. . . ." 18 June '07, p.10-11

856

Examination and audit

- a **Kan.** Hoch. "The law enacted in 1879 requires a monthly examination of the state treasury by the Governor, Secretary of State, and Auditor. . . . The performance of this duty by these officers has always been necessarily perfunctory and of little value. . . . The duty of this examination is placed upon officials, two of whom, at least, are not ordinarily familiar with its peculiar duties, who are ordinarily not experts, and who have no time to devote to the performance of the duty which this statute requires. . . . It seems to me that quarterly examinations, made by the State Accountant and his assistants, would vitalize such examinations and make them of practical value. Perhaps it would be wise for the accountant to make report of these examinations to the Governor, and I recommend a change in the law in harmony with these suggestions." 8 Jan. '07, p.34-35
- b **Me.** Cobb. "The office of State Auditor should be created. The present system of auditing the state's accounts by the Governor and Council is an archaic absurdity. It is cumbersome, uncertain and incorrect, and would not be tolerated an instant by any individual, firm or corporation doing business in accordance with approved and modern methods. . . . The methods of book-keeping, too, employed by some of the departments are extremely loose, and this whole subject should be investigated and the defects remedied. Former executives have made this same recommendation for a state auditor, and it is to be assumed that failure to act upon it favorably is due to a belief on the part of the people that its indorsement would simply create another department or office with additional and unnecessary expense. I am of the

opinion, however, that the direct saving effected by a competent auditor with power would far exceed his salary and the expenses attending the office." 3 Jan. '07, p.9

c **Mass. Guild.** ". . . I recommend that the laws relating to the powers and duties of the Auditor be so amended as to give him authority and require him to audit the accounts of all officials, boards and institutions which receive moneys to be turned into the treasury of the commonwealth." 3 Jan. '07, p.13

d **N. J. Stokes.** ". . . The service of the state could be greatly improved and rendered more efficient if there was some provision for a proper, judicial and fair investigation and examination of the various state departments and commissions and boards. The creation of a permanent body for this work would not seem to be necessary. Provision could be made for a commission that could be called into existence at stated times or when needed. I would have a commission appointed by the Chief Justice, with the powers of investigation and recommendation. This commission should make an examination of state affairs every three or five years and at such other times as would seem to be warranted by any specific case or condition. It would be judicial in character. In the performance of its functions it would have but one object, namely, to increase the efficiency and economy of the public service, so far as the state was concerned. It would not be partizan or political in its deliberations. . . Such a commission, after examination and inquiry—in which examination and inquiry the State Auditor should be at its disposal—would have a complete grasp of state affairs in all their ramifications. It would then be able to recommend what boards, if any, should be consolidated, what economies inaugurated, and what important methods adopted. In this way there would be a check, not alone upon the work of state officials and employees, but upon the tendency of the Legislature and the public to create new departments and new commissions that in time often become unnecessary or overlap one another in the performance of their duties. . . While I believe that our municipalities should be vested with larger powers of local government and should be permitted to settle in their own legislative bodies many of the special and local problems that now require legislative action at Trenton, I heartily concur with the recommendation of the Commission on Municipal Government for a state audit of municipal accounts. . ."

18 June '07, p.16-19

e **N. D. Sarles.** "The advisability of a subvoucher system similar to that of other states was deemed expedient during this administration. . . I suggest a provision of law, if required, enforcing this system. . . There is another change I recommend in the Auditor's department, which will save the Governor . . . much time and unnecessary labor, and that is the adoption of the salary pay roll system used by Wisconsin, Minnesota, and many other states."

9 Jan. '07, p.7

856

f Or. Chamberlain. “. . . I suggest that on the first day of the session, you appoint an expert accountant who shall be empowered to select his own assistants, to expert the books of all state officers, with instructions to report to the Legislature prior to adjournment, if possible, and if the work is not then completed, to continue until it is fully done, and to report to the Executive in detail. . . .” 16 Jan. '07, p.22-23

g Wash. Mead. Recommends appointment of State Bank Examiner with power to examine accounts of state and county officers and to prescribe uniform system of public accounting.

14 Jan. '07, p.13

h Wis. Davidson. “. . . I recommend that the Commissioner of Banking be required to examine the accounts and financial transactions of each department at stated intervals and to report concerning their condition to the Executive.” 10 Jan. '07, p.44

857

Financial officers

See also 55, State examiner; 2588, Local finance

858

State auditor. Comptroller

a Me. Cobb, 3 Jan. '07, p.9; N. H. Floyd, 3 Jan. '07, p.8-9; Tenn. Patterson, 7 Jan. '07, p.15.

b Tenn. Patterson. “I have heretofore recommended the creation of the office of State Auditor, and a bill was prepared and introduced on this subject, which met opposition, though no reason can be given why a state auditor is not a necessity. It is probable that the bill went too far in some of its provisions, and another will be framed and presented for your consideration, the purpose of which will be in keeping with my recommendations, and the reasons, which must be apparent to all, why such officer under the direction of the Governor should be empowered to examine the accounts of all state institutions, and all other officers handling state revenue. . . .” 1 Apr. '07, p.5

859

State treasurer

a S. D. Elrod. “The salary of the State Treasurer should also be increased and greater safeguards should be thrown around the handling of the public funds. The Treasurer should furnish a surety bond made by not less than four first-class companies and the state should pay for the bond.” 8 Jan. '07, p.43

860

Fiscal year

a Ind. Hanly. “. . . I recommend . . . a change in the beginning and the end of the fiscal year. The year should begin on the 1st day of October and end with the 30th day of September of each year. All annual and biennial reports required of the several departments and officers of the state relate to fiscal years. The law provides that these reports be printed and filed

ACCOUNTS

860

with the members of the General Assembly for their information. These reports can not be made up until the close of the fiscal year they cover. This gives but 60 days in which to prepare the reports and to secure their publication. As a result many of the reports are not filed with the Governor until the eve of the assembling of the General Assembly and are not printed until after the adjournment thereof. By closing the fiscal year on the 30th of September an additional month will be given and it will become possible to secure the publication of the reports in time for distribution at the beginning of the session. This change will also cause the fiscal quarter to correspond to and end with the calendar quarter. . . .”

10 Jan. '07, p.39

- b **Mon. Toole.** “Under the Constitution no appropriation can be made for a longer period than two years. Our fiscal year ends on November 30, and for convenience doubtless our appropriations for the executive and judicial departments have heretofore been made to cover these fiscal years. . . . There appear to be difficulties in the way of changing the fiscal year. There does not, however, seem to be any constitutional or other objection to appropriating early in this session a sum sufficient to cover these claims referred to as deficiencies since November 30, last, and accruing expenses for the executive and judicial departments up to April 1, 1907, and thereafter make the general appropriation bill available for two years from April 1, 1907, to April 1, 1909. This would hereafter carry us over until April first after each biennial session of the Legislature. This, I think, is most desirable and would remove a great burden from those who can not afford to wait three months for their money. I hope this will be done.”

8 Jan. '07, p.24

- c **W. Va. Dawson.** “We have so many fiscal years that it is worth the inquiry by you to ascertain whether some of them can not be made coincident with others. The Labor Commissioner has a fiscal year, the Mine Inspector another one, the state fiscal year is still different, and then we have a school year, and the county year, and there are some others. So many different years create confusion.”

8 Jan. '07, p.93

861

Funds. Investments

- a **Mon. Toole.** “Owing to close competition with bond houses in the east, we have not been able to invest the funds of the state resulting from sales, leases, etc., to the best advantage, and find ourselves in possession of more than \$500,000 arising from these sources uninvested, notwithstanding we have made diligent effort to invest the same. In view of these facts I think it would be prudent, in cases of sales of lands on credit, to extend the deferred payments over a period of 20 instead of 14 years, as now provided by law. I am also in favor of conferring upon the State Board of Land Commissioners power to lend its surplus and uninvested school and land grant funds upon approved real estate

mortgage security within the state, by a safely guarded measure, as an escape from the sharp competition which now obtains in the purchase of securities now authorized by law. . . ."

8 Jan. '07, p.19-20

- b N. D. Sarles. "A law should be passed authorizing the State Treasurer and the State Auditor to transfer to the general fund of the state any balance in a fund created by a special levy, after the full purpose for which such special fund was created, had been accomplished."

9 Jan. '07, p.7

- c U. Cutler. ". . . You can see how great danger is incurred by a public officer in attempting to eke out an insufficient salary by making profit from the use of public moneys. In view of these conditions, I repeat and emphasize the recommendation made in my previous message, that laws be enacted making strict regulations regarding the use of public moneys, and allowing to the custodians thereof sufficient compensation to render this manipulation of funds entirely unnecessary. I shall be pleased to confer with your committees on this important matter. In this connection, I respectfully call your attention to the fact that under the present law the \$82,000 collected . . . as interest on the reservoir fund, can not be lent out. . . . This fact further emphasizes the recommendation made above that the laws be amended so as to allow all public moneys to be lent on approved security, and the interest used for the benefit of the state or the subdivisions to which the funds belong."

15 Jan. '07, p.7-8

- d U. Cutler. "In line with my suggestions to the previous Legislature, the Engineer recommends that the law governing the use of the reservoir fund be so amended as to permit it to be lent to associations giving proper security, and used by them for the purpose of building reservoirs, whether public or private. By this means this fund, which is now of considerable size, but has been practically useless, could be applied to the purpose for which it was intended. I therefore strongly support this recommendation."

15 Jan. '07, p.29

- e Wash. Mead. "Ten special funds aggregating about \$300,000 lie dormant in the treasury while the state is paying interest on an indebtedness many times in excess thereof. The fund system should be abolished and the various fees and increments which go to create it should be paid directly into the general fund, an account being kept with the source of receipt — disbursements to be made from the general fund and credited to the source of receipt. A consolidation of the state special funds would permit the Treasurer or other authorized officer or board, when a large balance has accumulated in the general fund, to divert the sum in excess of a reasonable balance to the payment of the bonded debt of the state invested in the permanent school fund. By this means within a short time this debt could be materially reduced if not satisfied. . . ."

14 Jan. '07, p.9-10

BONDS

863

State institutions

- a **Neb. Sheldon.** “. . . The total estimates for current expenses during the next biennium made by the heads of the several institutions are so large that it will be necessary for you to investigate thoroughly the needs of these different institutions before making the appropriations. Promiscuous junketing is expensive and in the past has not given beneficial results. It is, therefore, sincerely recommended that a joint committee be appointed for the purpose of visiting the several state institutions and inquiring into their actual needs before the appropriations are made. . . .” 3 Jan. '07, p.37-38
- b **N. D. Sarles.** “I recommend the institutions of our state be authorized by law to instal a uniform system of accounting, doing away with the cumbersome method of furnishing duplicate receipted bills as is now required, and the classification of accounts be made alike in all institutions, thereby giving a true basis for comparison. Under our present system such a comparison could not be had by using the statements or reports of the several institutions.” 9 Jan. '07, p.7
- c **Wash. Mead.** “The granted lands held by the state in trust for the various charitable, educational, reformatory and penal institutions, have produced in their permanent funds the sum of \$284,817.15. That constant accretions will in time create a grand total of at least \$25,000,000 in a permanent irreducible fund is a conservative estimate. No law exists whereby any officer or board is authorized to invest any of these funds other than the common school fund. I believe a board of finance, to be composed of the State Treasurer, the State Auditor and an appointee of the Governor, who should be secretary, should have the management of this heritage of the commonwealth. . . . Accretions will follow during the coming two years. These funds are available for the first time in the history of the state for the maintenance of the different state institutions. To prevent their accumulation in large sums the State Treasurer should be required first to exhaust the fund credited to any of the state institutions before paying warrants from the general fund.” 14 Jan. '07, p.11

865

Debts. Bonds

See also 2597, Local finance

- a **Ari. Kibbey.** “. . . Every consideration . . . urges us to measures looking to the early retirement of our bonded indebtedness. . . . A total tax levy of 9 cents on each \$100 of property valuation annually by the territory would accumulate a sufficient sum with which to retire the entire territorial indebtedness (including not only that refunded but of the other issues) within 20 years. . . .” 22 Jan. '07, p.12-25

865

- b** **N. C. Glenn.** "The 4% prison debt bonds, amounting to \$110,000, and 4% prison farm bonds, amounting to \$60,000, become due January 1, 1909. . . I recommend, that these bonds when due be paid out of the funds belonging to the state's prison, and I hope you will pass a law authorizing and directing the prison directors so to do." 9 Jan. '07, p.37
- c** **S. D. Elrod.** Recommends return to North Carolina of money paid to South Dakota on account of judgment in South Dakota v. North Carolina (192 U. S. 286). 8 Jan. '07, p.11-14
- d** **Tenn. Patterson.** "I direct your attention to the obligation of the state to pay \$469,000 of 4% bonds on October 1, next, and to the necessity of an amendment to the sinking fund act which will authorize the retirement of these bonds at maturity. . . ." 1 Apr. '07, p.6
- e** **Wash. Mead.** "The state has accumulated a debt against its Capitol building land grant of \$682,044.74, on which it is paying an annual interest charge of \$26,894.75. This indebtedness is not invested in state permanent funds, the interest being paid to individual warrant holders. . . I recommend the inauguration of a policy whereby the state in time may assume this entire indebtedness to be repaid into the state treasury from the sales of the granted lands. Interest payments would then be made to permanent fund accounts instead of to warrant holders." 14 Jan. '07, p.13-14

868

Deposits and depositories

- a** **Ala. Jelks.** "The plan of keeping a large sum of money in the treasury is subject to criticism. . . It is a great care, and besides, and what is more important, it is out of circulation. . . You will have an opportunity to vote on a bill providing for state depositories at your present session. I unqualifiedly advise the passage of such a bill when properly drawn. In this connection I am minded that the Constitution does not allow the loan of the state's funds. This clause seems now to be unfortunate." 8 Jan. '07, p.19
- b** **Ala. Comer.** ". . . I would suggest the enactment of a statute authorizing the State Treasurer, with whatever adjuncts of cooperation or advice you may deem best, to deposit this money with the banks of the state under clear conditions of security by depositing with the treasury state bonds; and also some plan of competition as to the amount of interest to be paid on said deposits, and the method of distributing through the state according to the requirements and best interests of the treasury." 15 Jan. '07, p.17-18
- c** **Ala. Comer.** ". . . I would suggest that you provide for an amendment to our Constitution which would allow the state to let money out to the banks . . . at interest. . . ." 9 July '07, p.15
- d** **Del. Lea.** ". . . In order that the state and county funds on deposit may receive an income from their deposits I urge your

favorable consideration of a statute which shall provide among other things: 1st. That the state and county treasurers be required, under penalty of forfeiture of office, to deposit all public funds in approved depositories; 2d. That the public funds, both state and county, under the control of the various treasurers, be awarded for deposit to approved depositories; 3d. That the Governor, Secretary of State, Auditor of Accounts and Insurance Commissioner be constituted a commission to determine the depositories for the state and county funds and the proportion of public funds each depository may receive; 4th. That each approved depository shall be chargeable with 2% on the daily balances and at stated periods credit the accounts of such treasurers with the accumulated interest on such funds." 1 Jan. '07, p.7

e **Ill. Deneen.** ". . . I . . . recommend that a law be enacted with an emergency clause, requiring the custodians of public funds to deposit the same with banks, under proper safeguards and providing that the interest received therefrom shall be paid into the public treasury. . ." 9 Jan. '07, p.44

f **Ind. Hanly.** "The events of the last two years have emphasized the necessity of reform in the methods of handling and caring for public funds. . . In recommending remedial legislation in this behalf I can not go into details; but I submit what seem to me to be the essential features of any legislation upon this subject. Daily settlements and payments of all moneys received by any officer into the proper treasury is the first essential step. The selection of depositories for the funds is the second. Requirement that all public moneys in the hands of treasury officials shall be daily deposited in the depositories selected is the third. Provision that all interest accruing shall belong to the public and be paid into the public treasuries is the fourth. In the creation of the new system there are certain controlling fundamental purposes which should be kept in mind: 1st. the end of personal favoritism and of political banking; 2d. the saving of public officials from the opportunity and the temptation to misuse the funds intrusted to their care; 3d. the safety of the funds; 4th. the saving to the public of the interest accruing thereon. . ." 10 Jan. '07, p.62-65

g **N. M. Hagerman.** ". . . I would suggest that in the territorial laws concerning depositories, provision should be clearly made for the periodical examination of all collateral and security bonds filed, with a view to their renewal or replacement by others when it might be deemed necessary. . ." 21 Jan. '07, p.7

h **N. M. Hagerman.** "Section 255 of the compiled laws of 1897 provides that only banks with a paid-up capital of \$50,000 are entitled to become depositories of territorial funds, and as the national banking act allows the organization of national banks with a paid-up capital of \$25,000, and our territorial laws provide for the organization of banks of discount and deposit with a

868

\$30,000 paid-up capital. . . As a result the territory has at all times more or less funds on hand that do not draw interest, for the reason that we do not have in the territory a sufficient number of larger capitalized banks to apply for the cash balances carried on an average in the hands of our territorial treasurer. . .

I further recommend that an act be passed making it the duty of the several boards of regents of the several public institutions to designate one or more depositories for the moneys of such institutions, which depositories shall be either a national bank, or a bank organized under the territorial laws, and that each such depository shall give a bond to the territory in a sum equal to the probable amount such depository may have deposited with it at any one time, and such depository shall pay interest on monthly average balances, as may be agreed upon by such depository and such boards."

21 Jan. '07, p.37-38

- i Or. Chamberlain. "There are times in each year when large sums of money are in the custody of the State Treasurer, for which there is no immediate use. Provision should be made requiring a deposit of these funds in safe and solvent banks offering the highest rates of interest. . ."

16 Jan. '07, p.27

- j S. D. Elrod. "Provide for public depositories within the state. Make national and state banks public depositories when they have deposited with the State Auditor, county or gilt-edged municipal bonds, or school bonds and the amount of the deposit should not exceed 90% of the bonds pledged, and the borrowing banks should be required to pay the state not less than 2½% interest on state deposits."

8 Jan. '07, p.44

- k Wash. Mead. "I recommend . . . the proper safeguarding of all public funds placed on deposit and fixing the rate of interest which depositories should pay on such funds into the public treasury."

14 Jan. '07, p.30

- n Wy. Brooks. State depositories.

10 Jan. '07, p.4-5

870

Public order

See also 234. Crimes and offenses

872

Police

874

State and county police

- a Mass. Guild. "I am aware that all these suggestions for more thorough inspection of boilers and for factory legislation mean an enlargement and to some extent a reorganization of the district police. . . Not only an enlarged force but a more definite division into departments is needed."

3 Jan. '07, p.21

- b S. C. Heyward. Recommends rural police to prevent lynching.

8 Jan. '07, p.13-14

- c S. C. Ansel. "I respectfully recommend that a system of mounted police or patrol for the rural districts be established.

POLICE REGULATIONS

This is no new idea, but one that is being carried out with great success in many countries. When there are so many vagrants and idlers roaming about, and there is so much work to be done on every side, the work or move-on system should be established, and that can be carried out better by such mounted patrol or police system, than by any other plan. Give them authority to arrest all violators of the laws of the state, and carry them before the nearest magistrate for trial or commitment for trial to the Court of General Sessions.”

15 Jan. '07, p.7-8

875

Municipal police

- a **Mo. Folk.** “. . . I therefore recommend that the section of the statutes prohibiting the establishment of a municipal police system in these cities [St Louis, Kansas City and St Joseph] be repealed, and that these municipalities be authorized to amend their charters in the usual way, and provide for a municipal system of police, and if they so amend their charters to permit the municipal police to supersede the metropolitan police. . . .”

2 Jan. '07, p.38-39

- b **Mo. Folk.** “I believe the municipalities of the state that now have the metropolitan police system should have the option of controlling their own police. They should be given the right to adopt the municipal system whenever a majority of the voters of such city, in any special or regular election, so decide. They should be authorized to provide for the appointment of police commissioners by the mayor, or in any other manner that they may see fit. In order, however, that the state may protect its sovereignty in case things should go wrong locally, the commissioners should be subject to removal by some state authority. . . .”

9 Apr. '07, p.8-9

- c **R. I. Higgins.** “I . . . would submit for your consideration . . . laws abolishing state appointed police commissions and turning the control of the police over to the mayors in the various towns or to the people directly.”

3 Jan. '07, p.22

877

Miscellaneous police regulations

See also 256, Crimes against public order and security; 264, Crimes against public morals and the family; 1065, Nuisances; 1090, Public safety; 2722, Roads

879

Amusements

Relating chiefly to restricted amusements

883

Gambling. Lotteries. Betting

See also 1507, Speculation

- a **Ari. Kibbey.** “. . . I . . . recommend to you that you enact a law repealing the provisions for licensing gambling, and making it unlawful for any person to maintain, conduct or permit

883

gambling in any public place, or in or about any place where intoxicating liquors are sold, dispensed or permitted to be drank, or in any other place to maintain, conduct or permit such gambling for the purpose of gain or hire and for any person to gamble in any of said places." 22 Jan. '07, p.8-9

b Ind. Hanly. "Under the present statute the gambling paraphernalia seized by the state can not be destroyed until there is a conviction of the persons in whose possession it was found . . . The statute ought to be amended so as to authorize the destruction by fire of all such paraphernalia wherever found, summarily and without trial." 10 Jan. '07, p.24-25

c N. M. Hagerman. "With the exception of the proprietors of saloons and gambling houses themselves, the business men of New Mexico are, as far as I can ascertain from careful inquiry, almost unanimously in favor of the passage of a law abolishing licensed gambling. . . The number of retail liquor licenses issued in the various counties of the territory in 1905 was 585, of wholesale liquor licenses 23, and of gambling licenses 360, and the amount of income from them all was \$164,412. Figures as to the exact proportion of this amount derived from gaming licenses are not at hand, but from similar statistics from all but five counties for the year 1906, it appears to be less than one half. Two thirds of the net amount received from the three sources is, by law, paid into the district school funds, and one third to the general county school funds. . . Intemperate use of intoxicating liquors is deplorable and results in evil, but the abolition of saloons is not, in my opinion, practicable. The abolition of licensed gambling is. But the limitation of the retail liquor business is both desirable and practicable. I call to your attention the fact that an average increase of \$200 to \$225 in the retail liquor licenses throughout the territory, while making a very desirable decrease in the number of saloons would, in all probability, more than make up for the loss to the school funds of the money now derived from gambling licenses. The saloons would not only be decreased in number, but with gambling eliminated from them would be much less objectionable. This is self evident. I strongly recommend that a bill be enacted making it a misdemeanor, punishable by a fine of not less than \$200 nor more than \$5000 and by imprisonment for not less than two months nor more than one year for any person to conduct or carry on in any way, either as owner or employee, any sort of a game played with cards or any other device, for money, checks, credit or any other representative of value. A law less definite and stringent in its character would not result in abolishing an evil, which for the welfare, good reputation and fair name of New Mexico, is absolutely essential should be abolished." 21 Jan. '07, p.48-51

d U. Cutler. ". . . I have the honor to suggest that a law be made declaring gambling a felony, instead of a misdemeanor

LIQUORS

as at present, and giving authority to the chief of police or the sheriff to confiscate all gambling appliances and destroy them at the city hall or the sheriff's office. I believe that, as now, the person conducting the game, the one engaging in it, and the party renting a house knowingly for the conduct of gambling, should be declared equally guilty. . . ." 15 Jan. '07, p.39-40

887

Poolselling. Bookmaking etc.

- a **Mo. Folk.** ". . . The Supreme Court of our state recently decided the act did not apply to bookmakers telephoning the bets out of the state to be registered, and then having the person at the other end of the wire telephone back to whom to pay bets. This ruling absolutely nullifies the statute. . . . I earnestly recommend that you enact a statute making it a felony to register a bet upon a horse race, either on a blackboard or any other substance, or to telephone a bet on a horse race to any other state, to be registered there, or to telegraph a bet for such purpose or to use any other instrument or device to accomplish the registration of bets. . . ." 2 Jan. '07, p.15-16

889

Prize fighting. Boxing

- a **Nev. Sparks.** ". . . The pernicious influence exerted through prize fighting upon the youth of this commonwealth can not be estimated or counteracted while the present law exists. Other states may claim to be more holy than Nevada, but whether true or not we should endeavor to respect sentiments entertained by a great majority of the good people of the United States, and restrain the demoralizing influence authorized by the present law. Protection is desired to free our people of this baneful tendency, and I recommend that the prize fight law approved January 29, 1897, be repealed, and that a rigid prohibitory measure be enacted in its stead." 21 Jan. '07, p.11

900

Intoxicating liquors. Narcotics

See also 998, Adulteration

- a **Mo. Folk.** ". . . In order that the liquor traffic be subject to the law all over the state there should be a state excise commissioner. All persons or corporations, including clubs, should be required to take out a state license in addition to the county license issued by the County Court and the municipal license issued by the municipal authorities. It should be made an offense punishable by fine and imprisonment for any person, or corporation or club to sell intoxicating liquor without a state license, and the issuance of a state license should be prohibited in any county where the people have voted in favor of the entire suppression of the liquor traffic; in other counties, in order not to interfere

with the local control, in accordance with law, require the County Courts to first pass upon an application for license. The State Excise Commissioner should have no power to issue a state license to any person unless that person has first obtained the consent of the County Court as to county license. This would leave the County Court with the same power as at present over county licenses, and the amount to be charged for county licenses, but require a state license in addition. I would suggest that the state license be fixed at say \$300 a year, to be paid into the state treasury, and out of which the expenses of enforcing the dramshop laws be defrayed after proper appropriation for that purpose. The Excise Commissioner should be directed by law to enforce the dramshop laws throughout the state. The Governor should be authorized, whenever he deems it necessary by reason of the failure of local officials to enforce the laws to appoint a special prosecutor for this purpose. With these measures the liquor sellers will either do business under the law or they will not do business at all.

One of the great sources of abuse of the liquor traffic is the ownership of saloons by brewers and distillers. Competition as a rule compels them to procure a low class of men to run these places. The manager has no sense of ownership or pride in running a decent place, and saloons of this kind often become hotbeds of lawlessness. No brewer or distiller ought to be permitted to own an interest in a saloon, and no person or corporation should be allowed to have more than two dramshop licenses.

Clubs should be required to have licenses to sell liquor, the same as dramshops. Under the present law by a decision of the courts this is not required. The Excise Commissioner should be especially directed to look after and suppress the drug stores which sell whiskey contrary to law. These are not only a menace to public morals, but they are an injustice to the dramshop keepers who are compelled to pay for a license to sell when these drug stores sell without any state license at all. The local option laws of Missouri, if enforced together with the dramshop laws, I believe constitute the most satisfactory way of dealing with the liquor problem. The local option laws leave it to the people of each county to exclude the liquor traffic or not, as a majority of them may vote. The only thing is to have the will of the people carried out. This local option should extend to the wards of St Louis and Kansas City, so as to give them the same privilege as counties. I believe in the people of the counties having local option in purely internal affairs by law, but there can be no such thing as local option in obeying or not obeying state laws. Self-government means the right to make laws, not the right to break laws."

2 Jan. '07, p.27-30

- b** Mo. Folk. Reiterates recommendation for a state excise commissioner law.

20 Feb. '07, p.3-7

LIQUORS

900

c **Mo. Folk.** "More important than this, however, is some measure to secure the enforcement of the dramshop laws throughout the state. . . . Outside of these cities [St Louis, Kansas City and St Joseph] the state has no power whatever to enforce these laws, and in a number of the counties the dramshop laws are openly and flagrantly violated. I have suggested as a remedy for this condition a state excise commissioner law. Several states have such a measure, with most satisfactory results. There has been a state excise commissioner in New York state for 10 years. There has been a state excise commissioner in the city of St Louis for many years, and no one would, I think, advocate the abolition of that office without providing something equally as good in its place. The measure proposed would not interfere with local control. County dramshop licenses and municipal dramshop licenses would continue to be issued and revoked as at present, and by the same authorities. The excise law suggested provides for a state license only. There is no state license under the present statutes. The Excise Commissioner would have jurisdiction only over the state license, and would have nothing to do with the county or municipal licenses. In order to insure thorough local control, the state license should be issued only after the County Court has approved the application for a county license. . . ."

9 Apr. '07, p.11-16

d **N. C. Glenn.** ". . . While seeking to build a reformatory to take care of our wayward youth, let us not neglect to take away the causes and curses that make such institutions necessary. Make the most stringent laws, well safeguarded, against selling drugs, such as cocaine, morphine, etc., except on the prescription of a practising physician, and add penalties and forfeiture of license to a physician or druggist aiding any one to violate this law. Enforce the law most rigidly against any one selling liquor, cigarettes, opiates, etc., to minors, and compel all officers finding a boy with liquor, cigarettes, or opiates to make him testify before some justice or mayor as to where he got his liquor, cigarettes, etc., and then at once arrest the offender selling to the boy, and make him liable to indictment and most severe punishment. Pass a law, also, requiring regular inspections of fountains. . . ."

9 Jan. '07, p.35-36

902

Prohibition

a **N. D. Sarles.** "I recommend that the reward for the conviction of violators of this [prohibition] law be double, making it \$100, instead of \$50, thereby making it the same as the reward now in force for the conviction of horse thieves." 9 Jan. '07, p.14

903

Dispensaries

a **S. C. Heyward.** Renews recommendation for radical changes in or abolition of the dispensary system. 8 Jan. '07, p.11-13

903

- b S. C. Ansel.** “. . . I urge that you enact a law abolishing the state dispensary system, and give to the people of each county the right to vote upon the question of county prohibition or county dispensary. . .” 15 Jan. '07, p.5-6

904

Local option

- a Ala. Jelks.** Local option law. 8 Jan. '07, p.28
- b Ala. Comer.** “There is almost a universal demand that we have a well defined and equitable local option law. This has been debated through the state and is clearly understood, I will simply suggest that is one of the essential features of our great democracy that the great majority shall rule.” 15 Jan. '07, p.24
- c Col. Buchtel.** “The definite pledging of our candidates to the enactment of a local option law awakened intense interest among the best people in the state. . . I beg to remind you that this is not what is called sumptuary legislation. It is not saying what a man shall eat and drink. It is not proposing to make people good by law. . . If a majority of the people in any community want the open saloon, they have the right to have it. If a majority of the people in any community do not want the open saloon, they have a right to exclude it. . . When you consider the unspeakable damage to character which comes from the open saloon, you can not avoid making haste to enact a law which will make possible the exclusion of the open saloon from those districts where the majority of the people are squarely opposed to it.” 8 Jan. '07, p.24-25
- d Mo. Folk.** “. . . Effective local option laws for counties, towns and cities should be enacted. . .” 9 Apr. '07, p.11

907

Liquor licenses

- a Ala. Jelks.** Recommends that earnings from convicts and whiskey licenses go for support of schools; higher license; local option. 8 Jan. '07, p.28
- b Del. Lea.** “The license tax on the manufacturers and distillers of alcoholic liquors and the brewers of malt liquors should be so increased that the returns to the state would be measurably commensurate with the cost of protection and the added burden upon the state arising from disorders growing out of the vending within this state of the products of such enterprises. . . Licenses issued for the sale of intoxicating liquors (other than those issued to druggists), are of two classes, one to sell in large quantities and the other to sell in small measures. The latter class pay two or three times as much tax as the former. This you should equalize and adjust. The law permitting the sale of liquor in quantities less than one quart to be drank off the premises where purchased should be repealed. In making this recommendation I am not unmindful of the constitutional provision in reference to local option. Whether you shall provide by law at the present

LIQUORS

session for the submission of the question of the sale or no sale of intoxicating liquors, the sale of liquor is bound to continue in this state for two years more." 1 Jan. '07, p.5

910

Regulations and restrictions

See also 149, Election offenses; 998, Adulteration

- a **Ari.** Kibbey. "I also recommend that you enact a law making it unlawful for women or girls to frequent or to be employed in any capacity in and about saloons or other places where intoxicating liquors are dispensed.

And I recommend that you enact a law requiring all vendors of intoxicating liquors that are to be drank upon the premises where sold, to close their places of business and to refrain from selling or dispensing such liquors between the hours of 12 o'clock midnight and 5 o'clock a. m., of week days, and during all of Sundays." 22 Jan. '07, p.9

- b **Mo.** Folk. "We need a law prohibiting brewers and distillers having an interest in dramshops. . . Competition between breweries compels them to take a low class of men and set them up in business. . ." 9 Apr. '07, p.11

912

Restricted localities

- a **Ga.** Smith. ". . . Our platform demands that the dry counties of Georgia be kept dry. I cordially favor legislation to accomplish this result, and I believe it possible to restrain to a great extent the use of liquors shipped from outside the state. I suggest also the propriety of making the operation of a 'blind tiger' a felony." 29 June '07, p.17-18

- b **Neb.** Mickey. "I . . . recommend that the statutes be amended so as to prohibit, under penalty, the shipment of liquor by express and transportation companies into such cities, towns and villages as have, by a majority vote or by action of the council, declared against the liquor traffic within their borders, no matter to whom the shipment may be consigned. When a community has registered its legal protest against the saloon business its wishes should be respected and should not be set at naught by any liquor house, express or transportation company. . ." 3 Jan. '07, p.17

- c **Tenn.** Patterson. ". . . If there are communities where the Adams law [prohibiting sale of liquor within 4 miles of a school except in incorporated towns of over 5000] does not apply, and the people, or the representatives of the people of those communities, ask its extension, I unhesitatingly recommend such extension as consonant with our platform and the principle of local self-government. . . Without reference, however, to the extension or nonextension of the Adams law, I believe the license tax imposed on liquor dealers should be materially increased. Without suggesting the amount, I recommend that the license be raised

so as to increase our revenues from this source, and at the same time to diminish the number of saloons in the cities."

7 Jan. '07, p.11

916

Illegal traffic

- a Ind. Hanly.** ". . . Under existing conditions it is difficult to obtain sufficient proof to convict persons selling without license in such [no-license] territory. A law against all such sales, carrying severe penalties, making it an offense to run or operate a place where illicit sales of intoxicants are made, providing that possession of intoxicating liquors by one unlicensed, or the finding of such liquors upon his premises, or the possession of a receipt showing the payment of United States revenue taxes for the sale of intoxicating liquors, shall constitute prima facie evidence of the guilt of keeping, running and operating such a place, with an effective search and seizure clause authorizing search for and confiscation and destruction of all intoxicating liquors found in or upon the premises where such a place is kept, run or operated, is essential to the peace and happiness of these communities. . . ."

10 Jan. '07, p.89-90

- b N. H. Floyd.** ". . . In no-license towns there is just complaint that the prohibitory features of the law are not enforced and that the privileges granted to some hotels and drug stores are abused. I hope to see this corrected by amendments to the law which will make it possible to carry into effect the theory upon which it is founded, that when a community votes against license it shall have effectual prohibition."

3 Jan. '07, p.9

921

Intoxication. Inebriates

- a Kan. Hoch.** ". . . I believe it would be wise to establish a state hospital for inebriates, for the treatment of alcoholism. Perhaps the new medical department of the State University might be wisely enlarged in its scope to include treatment of this class of unfortunates."

8 Jan. '07, p.22

924

Tobacco

- a Ari. Kibbey.** ". . . I recommend the enactment of a law forbidding the sale of tobacco in any form, cigars or cigarettes, under severe penalties, to any person under 21 years of age, and with like penalties upon the person under 21 years old buying the same, even notwithstanding the consent of an indulgent but foolish parent."

22 Jan. '07, p.9-10

925

Cigarettes

- a S. D. Elrod.** "Cigarette smoking seems to be quite prevalent among schoolboys. The law on this subject should be strengthened. The law should be amended prohibiting the sale and use of cigarette papers in the state."

8 Jan. '07, p.8

SUNDAY OBSERVANCE

926

Opium, cocaine etc.

- a **W. Va.** Dawson. Recommends a "comprehensive, stringent and drastic law" to prevent the indiscriminate sale of cocaine and similar drugs. 8 Jan. '07, p.85

927

Mob violence

- a **N. C.** Glenn. "Mob law is to be deeply regretted, and if possible should be stopped at all hazards. I recommend the reenactment of the Watson law of 1893, with such amendments as will make it more efficient. Let the sheriff, or other peace officer, when a mob assembles, be required to order them to disperse, and if they refuse to go, let all remaining be declared an unlawful assembly and liable to arrest. Make such officer after making the proclamation, also take the names of all refusing to go, and give them to the solicitor for indictment. Such precautions will in many instances save all trouble. Authorize, also, any peace officer, in cases where it is absolutely necessary, to call out the military and take every needed step to disperse the disorderly crowd, for mob law is a blot on society and injures most seriously the entire state." 9 Jan. '07, p.36-37
- b **S. C.** Heyward. ". . . An efficient rural police might not only prevent the crime of lynching by being ready to assist the sheriff at a moment's notice, but the presence of such officials would do much to prevent criminal assaults. Our rural communities are entitled to this protection." 8 Jan. '07, p.13-14

929

Sunday observance

See also 2092, Sunday labor

- a **Ala.** Comer. "I recommend the enactment of laws requiring railroad corporations to observe the Sabbath day by prohibiting them from operating freight trains in this state on the said day, except for the transportation of perishable freight." 15 Jan. '07, p.12
- b **Ala.** Comer. "We have three great Constitutions, the state, the federal and the decalogue. The oldest of these is the decalogue, and on this is built every civilization. One of the cardinal articles of that great Constitution coming from Sinai, is to observe the Sabbath, yet, there is not a Sunday but what great freight trains desecrate this day in our state. . . ." 9 July '07, p.18-19
- c **U.** Cutler. ". . . I think you will agree with me that no theatricals, in the ordinary meaning of the term, should be permitted on Sunday. While each city in the state should regulate this matter within its own limits, it is a fact that in some cities, within the shadow of the churches — tragedy, melodrama, vaudeville, comedy, opera, and other forms of theatrical entertainment are allowed free rein on Sunday. In view of this fact, I would

strongly recommend that you pass a measure prohibiting such forms of public amusement on Sunday." 15 Jan. '07, p.40

930

Public health and safety

- a **Cal.** Pardee. "California needs, associated with its State Board of Health, a sanitary engineering office, with a competent sanitary engineer at its head, to whom may be referred all subjects connected with the sanitation of cities and towns and state institutions. As time passes systems of sewage disposal and sources of healthful water supply become increasingly important, and, unless competent advice can be furnished in such cases, mistakes will be made that will prove costly. . ." 7 Jan. '07, p.28

932

General supervision

See also 2160, Sick and disabled

- a **Id.** Gooding. "In my judgment it is very important that Idaho should have a state board of health to protect her citizens from the spread of contagious diseases. The law should also provide for the registration of births, marriages and deaths, and the gathering of vital statistics. I would respectfully urge the passage of such a measure." 8 Jan. '07, p.26-27
- b **Mich.** Warner. ". . . The executive officer of the [Health] Board is impressed with the necessity for modifying and simplifying the health laws of the state, to the end that emergency calls may be answered and that promptness, thoroughness and efficiency may be insured in this most important duty of protecting the public health. . ." 3 Jan. '07, p.5-6
- c **Wash.** Mead. "The health as well as the prosperity of our people merits your attention. The field of usefulness of the State Board of Health should be enlarged by clothing it with power to protect the purity of water used for domestic purposes, and to approve or condemn plans for sewage disposal, and obtain an accurate statement of mortal and vital statistics." 14 Jan. '07, p.37

938

Vital statistics

See also 474, Family

- a **Fla.** Broward. ". . . In order that the State Board of Health may intelligently and wisely consider the various problems of public health and sanitation which present themselves in the administration of the very important trust delegated to it, it should be in possession of complete and accurate vital statistics for the entire state. . . I . . . recommend that a statute be passed imposing severe penalties for the failure of physicians and others whose duty it may be, under rules and regulations prescribed by the State Board of Health, to make such reports as they shall require. . ." 2 Apr. '07, p.34-35

938

- b **S. C. Heyward.** “. . . Until the state requires a registry of all births it is impossible to determine the age of a child whose parents desire it to work. For this and other important reasons, I commend to your formal consideration the passage of a law requiring the registration of all births in our state.” 8 Jan. '07, p.11
- c **Tenn. Patterson.** “I also recommend that this department [Board of Health] be given jurisdiction of the records of births and deaths for the information of the public, also for the purpose of compilation of statistics on the subject and further in aid of legislation on the subject of child labor. With available statistics, the question of the age of children can be ascertained, and the employment of them under age in these factories and mines can be readily prevented.” 7 Jan. '07, p.11-12
- d **Wy. Brooks.** “. . . The collection of vital statistics is a valuable adjunct to the work of the State Board of Health, and recognition of this fact has led the federal government to suggest to the several states legislation to that end. I therefore recommend that the present powers of the State Board of Health be enlarged and its authority be made to include registration of deaths and births, and the collection of vital statistics.” 10 Jan. '07, p.26-27

940

State control of medicine

- a **Tex. Campbell.** “. . . Adequate measures looking to the protection of the people against disease and appropriate legislation for the promotion of the science of medicine and surgery and the more thorough protection of the public against incompetency should be provided.” 16 Jan. '07, p.17

943

License to practise

944

Medicine

- a **N. M. Hagerman.** “. . . In this territory applicants for the practice of law, of dentistry and of pharmacy must submit to examination, and I heartily concur in the recommendation of the Board of Health that a law be passed making it necessary that applicants to practise medicine shall not only have certificates from reputable medical colleges, but also pass examinations satisfactory to the board.” 21 Jan. '07, p.41

946

Optometry

- a **U. Cutler.** “. . . A law should be passed establishing a state board of optometrists, before which every one desiring to practise must pass an examination as to his ability. The eyesight of the people is as important as any other element of physical health, and should be equally safeguarded from incompetents.” 15 Jan. '07, p.41

952

Sale of drugs

954

Proprietary medicine

- a **Cal.** Gillett. ". . . There are patent medicines and nostrums for sale today in this state that are injurious to health and ought not to be sold. People who buy them are perfectly ignorant of the kind of drugs used in compounding them. The safety of the public health requires that the sale of such medicines should be suppressed, or at least that there should be plainly printed on a label to be affixed to the bottle or package, a statement giving the ingredients thereof, and the preparation when it contains morphine, opium, cocaine, heroin, chloroform, chloral hydrate or similar drugs, so that the purchaser may know what he is getting and what poison he is taking or giving to his children. . . ."

9 Jan. '07, p.5-6

956 **Adulteration. Inspection of articles liable to affect public health**

- a **Cal.** Pardee. "A pure food department is one of the imperative needs of the State Board of Health if it is to safeguard the public from fraud and from consuming deleterious substances. To make such a department effective California should enact a state pure food law supplementary to the national pure food law. With nation and state working together for a common purpose, there is reason to hope for the doing away with an evil of gigantic proportions and lamentable consequences." 7 Jan. '07, p.27
- b **Cal.** Gillett. ". . . Strong legislation is required to stop the sale of impure food and drugs in this state, not only the sale of that manufactured or prepared here, but that which is shipped in; so that the purchaser may know what he is getting. The law enacted should be along the lines of the act passed by Congress, so as to be as much in harmony with it as possible. It should be made a high misdemeanor for any person to manufacture within this state any article of food or drug which is adulterated or misbranded, or offer the same for sale, or to offer such food or drug for sale when shipped into the state from any other state or country. . . ."
- c **Col.** McDonald. "There has been considerable agitation in the past concerning the enactment of a pure food law. Legislation of this character is imperative. I believe a law similar to the one enacted by the Congress of the United States would be entirely satisfactory, and would prove beneficial. However, the State Board of Health, in my opinion, should be charged with the enforcement of the law. . . ."
- d **Del.** Lea. ". . . The federal law upon this subject [pure food] is broad, full and adequate for all purposes of interstate trade. A state statute based on the federal law to cover the trade within the state should be your object."

3 Jan. '07, p.13-14

1 Jan. '07, p.11-12

- e **Ill.** Deneen. Increased appropriation for the Illinois Food Inspection Commission. 9 Jan. '07, p.42
- f **Kan.** Hoch. ". . . I specially commend Doctor Crumbine's recommendation for a revision of our pure food laws along the line of the new national pure food law. . ." 8 Jan. '07, p.30
- g **Mich.** Warner. ". . . The success of the [Dairy and Food] Department in dealing with the new questions intrusted to its supervision leads me to recommend a further extension of its duties to include the control of the ingredients entering into all articles of food, including confectionery, not already under the jurisdiction of said department. During the past year, Congress has passed what is known as the national pure food law and meat inspection law. The application of the new regulations of the national food law will apply, so far as the United States authorities are concerned, only to food products passing the borders of the state. In so far as it is practicable, without surrendering any of the advantages of the Michigan law over that of the national law, I recommend that the requirements of the Michigan law be made to conform with those of the national law." 3 Jan. '07, p.10-11
- h **Minn.** Johnson. ". . . In a report which will later be laid before you, this [Dairy and Food] Department recommends that the liquor law be so amended as to fix a standard for purity and to inaugurate a system of labels that will inform the purchaser the character of the liquid that he purchases. The paint provision of the present law is absolutely inoperative and affords no protection to the purchaser. Standards for flavoring extracts ought to be established. The section of the law governing the manufacture and sale of maple syrup and maple sugar should be amended to prevent deceptive labeling; the law relating to labeling of substitutes of pure jellies, jams, and preserves should be repealed, and a new law should require simply the printing of the formula in legible type. An effective patent medicine law should be adopted, requiring the labeling of all packages giving the formula of the product when it contains dangerous ingredients. A standard for ice cream should be established. The department should be relieved of the burden of proof when dealing with food products in which the ingredients are generally recognized as deleterious to health. Owing to the growth of the canning industry, a special law should be enacted giving the department supervision as to sanitary conditions, and fixing a standard of purity in the output of the canneries; and the national pure food law will be more effective if the Legislature will make the Minnesota law as nearly uniform as possible to the national law. These recommendations are based on the best experience of the officers of the dairy and food department for Minnesota, and in them I heartily concur, earnestly calling your attention to the suggestions in the hope that beneficent legislation will follow. . . The growth of the

dairy industry has been such that the force of inspectors is inadequate, and I would urge upon your body the wisdom of a sufficient appropriation to employ at least three additional creamery inspectors. . . Present laws relating to the inspection of milk and cream should be so amended as to permit the use of measures in obtaining samples for the Babcock test, and should provide that cream samples be weighed." 9 Jan. '07, p.50-52

i **Mo.** Folk. ". . . I heartily recommend to you the passage of a pure food law, with appropriate provisions for its enforcement." 2 Jan. '07, p.41

j **Neb.** Mickey. "After many years of effort Congress has finally passed a pure food law, very comprehensive in its scope, affecting all food products and also drugs and chemicals which enter into the compounding of medicines. . . It is evident that if the people of Nebraska are to receive full benefit from the present agitation for pure, wholesome and truthfully branded food the national enactment must be supplemented with a rigorous state law embodying the same features. . . The execution of the law should be placed directly under the charge of the food commission, making provision for such additional chemists and inspectors as are necessary, and an appropriation should be made adequate to the work. . ." 3 Jan. '07, p.6-7

k **N. Y.** Hughes. "The legislation with reference to adulterations and impurities in food is partly found in the public health law and partly in the agricultural law. It is desirable that the laws should be codified and presented in a single comprehensive statute, suitably defining the duties of the department which may be charged with its execution. Every possible means should be provided to safeguard the people against imposition through skilful adulterations and to prevent the sale of adulterated or improperly branded foods. To attain the desired results, the public should be apprised in an appropriate manner of the results of analyses and the progress made in the enforcement of the law. Frequent reports or bulletins would contribute to this end, serving as a vehicle of useful information and also as an indication of the effectiveness of the state's supervision. Congress has recently legislated upon the general subject with reference to interstate commerce, and efforts should be made to promote harmony between the work of the federal and state authorities."

2 Jan. '07, p.24-25

n **N. D.** Burke. ". . . Since the passage of this law your pure food commissioner, Professor Ladd, of the agricultural college, discovered that certain packages or cans containing food were short in weight, and, while the subject-matter of the law was broad enough to cover such a contingency, it was not expressed in the title, and therefore it is possible that the act, in so far as it relates to short weights, is unconstitutional, and I therefore recommend to you the reenactment of the law, with an amended title

which clearly expresses all of the subject-matter of the act, including short weights. . .” 9 Jan. '07, p.4

p Pa. Stuart. “. . . I . . . recommend to the careful consideration of the Legislature the advisability of such changes as will make the law protect both the people who are the consumers, and who might be imposed upon, and the retailer who unknowingly violates the law by selling the adulterated articles. In the consideration of this question I believe it would be well to inquire whether or not it is advisable to require the manufacturers, importers, and jobbers who sell such commodities to merchants in Pennsylvania to have resident agents upon whom legal service could be made, enabling the authorities to hold them responsible instead of the innocent retailers. I also suggest the advisability of making all pure food legislation conform as nearly as possible to the federal laws upon the same subject. . .” 15 Jan. '07, p.8

q Tenn. Patterson. “. . . I therefore recommend that the law now on the statute books be vitalized by an appropriation to make it effective, or a new food law be passed similar to the national food law, and I further recommend that the office of State Chemist be created, to be filled by a man of established reputation in his profession, and that he be given such assistance as may be necessary to carry out the provisions of the law. I further recommend that this whole subject be placed under the jurisdiction of the State Board of Health.” 7 Jan. '07, p.12

Recommendations renewed.

1 Apr. '07, p.3

r U. Cutler. “. . . There are some particulars in which further improvement should be secured in the near future. One is the more careful supervision of the dairy industry, and the more rigid inspection of sources of meat supply. Greater zeal on the part of local health officers would be very desirable, and the best way to secure it seems to be the allowing of a reasonable remuneration for their work. . . The federal laws on meat inspection, patent medicines, pure food, and kindred subjects will serve as profitable models for your legislation, and it is most essential that state laws so vital to the health of the people shall be enacted.” 15 Jan. '07, p.21-22

s U. Cutler. “. . . The present Congress during its long session also passed a law making interstate regulations regarding pure foods. But on account of the fact that the law passed by Congress can not operate effectively on articles retailed within the state, and our law leaves articles of interstate commerce open to adulteration after they have reached the state, I think you should make enactments covering such articles, and protecting the people more fully against imposition. I give here a partial list of articles in common use which must be pure when imported into the state in bulk, yet may be adulterated before being retailed. And there is indisputable evidence that such adulteration is being carried on, especially in cases which the present state

956

law does not cover. I speak of maple syrup, olive oil, spices, extracts, jams, jellies, honey, baking powder, liquors, linseed oil, and doubtless other articles. In the case of liquors, the present law seems to make no provision for prohibiting the mixing of inferior with better brands, and the concoction being sold under the name and at the price of the high grade ingredient. This also holds true of many or all of the other articles. It will be well for you to give careful consideration to this law, and so amend it that no article of common consumption can be adulterated and foisted upon the public." 15 Jan. '07, p.24

t **W. Va.** Dawson. ". . . Whether the passage of this national act will make less necessary a pure food law in this state I can not say; but I am of the opinion that we ought to have a law articulating with the national law, because the national law can only apply to interstate commerce. . . Such legislation should include the sale of patent medicines, which is one of the greatest frauds practised upon the people. Many of these so called remedies are poisonous, deleterious to the human organism, and their sale is worse than obtaining money under false pretense. Upon the label of every patent medicine there should be required to be printed in plain language the stuff of which it is composed. . ."

8 Jan. '07, p.85-86

u **Wis.** Davidson. ". . . Needed amendments to existing food and dairy laws should be made, necessary new laws enacted and the commission so strengthened that the important duties intrusted to it may be so discharged as to give the largest measure of protection to the public."

10 Jan. '07, p.36-38

961

Milk and milk products

964

Butter and cheese

a **Neb.** Mickey. ". . . The dairy interests of the state should also receive additional recognition. . . I suggest that one or two dairy inspectors be added to the office force of the food commission, whose duty it shall be to supervise the butter fat tests at all creameries and skimming stations and to establish a standard which shall be uniform over the state and just to both producer and manufacturer."

3 Jan. '07, p.7

972

Other articles of food and drink

998

Liquors. Alcohol

a **Tex.** Campbell. ". . . I hereby designate and present to you for your consideration and for legislation, the following subjects . . . To provide an agency or agencies for the inspection of spirituous, vinous or malt liquors, or either, manufactured or sold in the state and for the collection by the state of fees for such inspection, and prohibiting the sale of such liquors not inspected, and generally regulating such inspection and sale." 22 Apr. '07

PUBLIC HEALTH

1000

Meat. Fish (fresh)

1004

Meats

- a U.S. Roosevelt. ". . . In my judgment it will in the end be advisable in connection with the packing house inspection law to provide for putting a date on the label and for charging the cost of inspection to the packers. . . ." 3 Dec. '06, p.18

1020

Communicable diseases

See also 1065, Nuisances; 1144, Communicable diseases of animals

- a Tenn. Patterson. ". . . This Board [of Health] has requested me to recommend an 'emergency fund' of \$20,000, to be set aside to protect the people of the state from the introduction of yellow fever, smallpox and other contagious diseases, not to be drawn upon unless the necessity arises, and subject to the approval of the Governor. I think the request a most reasonable and proper one, and recommend it for your favorable consideration." 7 Jan. '07, p.11
- b Tex. Campbell. "Under existing law the people of those counties of our state known as the border counties have heretofore been charged with a greater portion of the burden incident to maintaining and enforcing quarantine at state lines than should be laid upon them, and ample provision should be made for the relief of these counties and for a more equitable distribution of this expense which is necessarily incurred in the interest of all the people." 16 Jan. '07, p.17

1026

Protective inoculation

1027

Vaccination

- a S.C. Heyward. ". . . As will be seen by their [State Board of Health] report, the compulsory vaccination law enacted at your last session, has not proved satisfactory, and certain changes are necessary for its proper enforcement. . . ." 8 Jan. '07, p.16

1030

Special diseases

- a Fla. Broward. "The prevalence of cancer among the people of this country is increasing to an alarming extent, and I recommend that you authorize and empower the State Board of Health to make such investigation and research as they may be able with the means and opportunity at their command, to discover some treatment or remedy that will control and cure this dread disease." 2 Apr. '07, p.34

1042

Tuberculosis

- a Ala. Comer. ". . . Progressive states in all sections of the country are legislating for the prevention and suppression of the 'great white plague,' and I commend this subject to your earnest consideration." 15 Jan. '07, p.23

1042

- b Del. Lea.** “. . . I recommend for your favorable consideration the advisability of creating a commission, with or without pay, as in your judgment may be best, to inquire into the best means of dealing with this scourge [tuberculosis] in an economical and efficient manner, and report to the Governor as soon as possible the results of its investigation.” 1 Jan. '07, p.12
- c Fla. Broward.** “. . . No state, in my judgment, has more a mission to humanity in this contest with consumption than Florida. With her favorable climate and the opportunity afforded for outdoor living she is peculiarly fitted for such treatment and management of this disease as modern investigation and methods have demonstrated to be the most successful. . . Persons afflicted with consumption should be promptly reported to the proper health authorities in order that such regulations as may be necessary to prevent the spread of this disease can be enforced and its location known. This should apply not only to the ‘stranger within our gates,’ but to the people of Florida as well. In this connection I wish to call to your attention, and urge upon your favorable consideration, the offer of Dr John E. Ennis of Narcoosee, Florida, made to the state through the State Board of Health, and receiving their sanction and indorsement. This philanthropic effort of Dr Ennis is the first organized attempt to do anything for the unfortunates afflicted with consumption, whether towards strangers or natives, in Florida, and he has generously offered to donate to the state in fee simple this valuable property, provided that the state, through the Board of Health, will appropriate funds to adequately conduct the experiment a sufficient time to determine the feasibility and practicability of such philanthropy. . . .” 2 Apr. '07, p.35-37
- d Ill. Deneen.** “Another problem which also presses for solution is the establishment of a sanatorium for consumptives not detained in other institutions. . . The State Board of Charities recommends an appropriation of \$150,000 for this institution. I concur in the recommendation. The experience of others shows that from 10 to 20% of patients in the incipient stages of consumption are cured, and that patients are restored to economic independence for from one to many years in 60% of cases. It is the plan, if this institution is established, to receive only hopeful cases. But the sanatorium would be more than a place of cure. It would be a place of education. Every consumptive who left it cured would disseminate knowledge regarding the prevention, treatment and cure of consumption. Public bulletins would be printed for wide distribution, showing the most advanced treatment advocated by medical science, so that the service of this institution would be given wide publicity, with beneficial results to the people of this and other states.” 9 Jan. '07, p.8-9
- e Kan. Hoch.** “. . . It is said that every state east of the Missouri river has one or more public institutions for the care

of their tuberculous poor. It is also said that the German empire, noted for its progressive movements in scientific medicine, has over 200 such sanatoriums. The recommendation of the State Board of Health for the establishment of an institution of this kind is worthy of your most serious attention. . . ."

8 Jan. '07, p.31-32

- f **Or.** Chamberlain. "Tuberculosis has come to be recognized as a communicable disease, but aside from giving it this recognition little if anything is done to stay its progress. In a few of the states and in some of the cities laws and ordinances have been enacted for the purpose of staying the ravages of this dread disease, but nothing has been done in proportion to its importance to our civilization. Our people are not prepared for radical legislation on this subject, but I suggest the passage of a law which will require the teachers in the public schools of the state to deliver lectures at stated periods upon the subject of this disease, its cause, its communicability, the methods of treatment and the subject of the prevention of its spread. . . ." 16 Jan. '07, p.30

- g **Pa.** Stuart. "The advance in medical science has demonstrated nothing more conclusively than that consumption . . . is susceptible of being cured by special treatment and care. . . . Isolation and proper hygienic conditions are indispensable to curative treatment; and these may be secured by the establishment of hospitals, sanatoriums, and dispensaries for the afflicted who are unable to provide such relief for themselves. . . . I can conceive of no monument to the cause of charity that is more worthy of the state's beneficence." 15 Jan. '07, p.5

- h **U.** Cutler. "Statistics show that tuberculosis is on the increase in the United States. Yet in India, where there are 4,000,000 of people, poor and suffering from scarcity of good food and even of good water, the children are singularly free from this disease. This is said to be due to the fact that daily exercises in deep breathing are required of the pupils in the schools. Not only on account of tuberculosis, but from the general standpoint of hygiene, I recommend that the school law of Utah be so amended as to require this daily exercise both of pupils and of teachers."

15 Jan. '07, p.12-13

- i **U.** Cutler. "Regarding tuberculosis, which is becoming more prevalent all the time, the suggestion is made, and I approve of it, that provision be made for a place of detention for those afflicted with this disease. It seems to be the only method of preventing its spread."

15 Jan. '07, p.22

- j **Wash.** Mead. State sanatorium for treatment of tuberculosis.

14 Jan. '07, p.37-38

Typhoid

- a **Fla.** Broward. ". . . In several of the larger cities of the state there have occurred more or less serious outbreaks of typhoid fever during the past year. . . . The State Board of Health

does not exercise its jurisdiction over health matters in such cases, except upon the request of the local health authorities, and it should be empowered to take charge of such conditions and to make such rules and regulations as may be most effectual in controlling and preventing such outbreaks of typhoid fever and other diseases." 2 Apr. '07, p.34

1048 **Disposition of the dead**

1051 **Practice of embalming and undertaking**

- a **Ia.** Cummins. "There is nothing in the present law that authorizes the State Board of Health to establish proper regulations respecting the transportation of dead human bodies. In view of the legislation and practice of other states, it has become very important that our Board of Health shall have additional power. . . Closely connected with regulations relating to such transportation, is the qualification of undertakers and embalmers to prepare bodies for shipment, and the Board of Health should be authorized to examine persons who expect to perform such work, and to issue permits to those who are found to be competent. . . ." 14 Jan. '07, p.9

1065 **Nuisances (general). Miscellaneous health regulations**

1079 **Pollution of water**

See also 932, Public health; 2661, Sewerage

- a **Cal.** Pardee. "The determination of the quality of the waters used for domestic supply for cities and towns, and for manufacturing and irrigation, is of equal importance with that of the available quantity. . . It has been found that certain streams are contaminated by certain of their tributaries and not by others, but to trace the source of such contamination to its head is a work of some magnitude. . . To prosecute this work effectively the Legislature will be asked to contribute \$2000 a year for the next two years, the general government contributing a like amount. This appropriation should be made." 7 Jan. '07
- b **Kan.** Hoch. Cooperation with federal government in the sanitary and industrial survey of the natural waters of Kansas. 8 Jan. '07, p.31
- c **N. J.** Stokes. "The condition of the Passaic valley should prove a warning to other sections against the improper use of the rivers and streams of our state. These natural highways, as Webster called them, were never intended to carry the refuse of civilization to the sea. In many of our waterways incipient pollution has already begun. The Delaware river when it reaches Philadelphia

PUBLIC SAFETY

1079

consists, on an average throughout the year, of 20% pollution. Our bathing grounds are contaminated and threatened with ruin. Our oysters and shell fish need protection from the same danger.

The attempts of the State Sewerage Commission to remedy this growing evil and prevent conditions that in the near future would make unsightly and unhealthful sewers of our potable streams have met with regretful opposition. . . .” 8 Jan. '07, p.33

- d N. J. Stokes. “In this connection the acquisition of woodlands about the sources of our potable streams and the purchase by the state of our fresh-water lakes and ponds, of which there are 108 in New Jersey, with an acreage of about 14,000 acres, was suggested in last year’s message. Thereupon the Legislature authorized the Riparian Commission, together with the State Geologist, to investigate the whole question of the potable water supply of the state with reference to state control of the same. The report of this commission will be presented in the immediate future. . . .” 8 Jan. '07, p.35

- e Tenn. Patterson. Pollution of waters. 7 Jan. '07, p.9
Recommendation renewed. 1 Apr. '07, p.3

- f W. Va. Dawson. “. . . The law now provides that it shall be unlawful to ‘throw in, or allow to enter, any stream or water course in this state, sawdust or other matter detrimental to the propagation of fish.’ This law should be more comprehensive and framed in such a way as to prevent the pollution of the streams by refuse matter from these tanneries and the like, or from any other source. The present law requires it to be shown that the foreign matter, except sawdust, thrown in or allowed to enter is in such quantities or of such kinds as to be deleterious to the propagation of fish. This is found difficult and expensive to do. . . .” 8 Jan. '07, p.66-67

1090

Public safety

Protection of human life from accidents, casualties etc. See also 1313, Railroads

1092

Fires

1093

Fire marshals. Inspection

- a Ill. Deneen. “The enactment of a law providing for the appointment of a state fire marshal should receive your careful and favorable consideration. It is well known that a large part of the annual fire waste is attributable to carelessness or other preventable causes and to incendiarism. Such a law would undoubtedly have the effect of reducing the annual fire waste due to incendiarism or preventable causes, save annually a large amount of the material wealth and taxpaying property of the state and benefit the insured by effecting reduction in the cost of his insurance. Such a law is now in force in a number of states with most satisfactory results. It has been stated on

reliable authority that in the state of Massachusetts where a law of this character has been in force the aggregate fire loss in the state during five years preceding the establishment of the office of fire marshal was \$10,000,000 greater than for the five years of its existence and that the percentage of incendiary fires in the state was reduced during these two periods from 33½% to 5%."

9 Jan. '07, p.16

1099

Buildings: sanitation and safety

- a Mich. Warner. "The extension of the factory inspection system, so as to include schoolhouses, tenement or apartment houses, theaters and public halls, with a view to providing greater safety for pupils and the general public, is desirable." 3 Jan. '07, p.7

1110

Tenement houses

- a Wis. Davidson. ". . . The Legislature of 1903 ordered the Commissioner of Labor to make an investigation of the tenement and housing problem of our large cities, the results of which investigation have been published. . . I commend this report to your consideration, to the end that legislation may be enacted to meet the problems of a congested population, to deal with the construction of buildings used as multiple dwellings, their structures, safety, fire protection and ventilation and the establishment of a minimum size and hight for living rooms and habitable basements." 10 Jan. '07, p.38

1124

Miscellaneous

1128

Boilers and engineers

1129

INSPECTION

- a Mass. Guild. ". . . Under the present law boilers that are insured are exempt from state inspection and can not be inspected by a state inspector even if the owner so desires. This very objectionable feature of the law should be amended so as to give all citizens of the commonwealth the right to have state inspection as well as inspection by an insurance company. The law should also include a provision for enforcing the keeping by every engineer of daily records of the running conditions of every steam plant on forms to be supplied by the commonwealth's boiler inspectors. The number of boiler inspectors now in the employ of the commonwealth is insufficient even for the thorough inspection of boilers not insured. I recommend their increase. Ultimately the commonwealth must face the responsibility of examining every steam boiler within our borders by inspectors selected after careful examination, as at present, by the commonwealth. Such a policy would involve the employment of at least 100 trained men. The state can not afford to have official inspection con-

PUBLIC SAFETY

ducted by any but the best, and only the practical difficulty of securing at once so large a number of men, specially trained, prevents my urging the adoption of this policy at this time."

3 Jan. '07, p.15-17

1144 Communicable diseases of animals

a **Minn.** Johnson. Increased appropriation for indemnity for diseased animals killed; increased penalty for importation of diseased animals. 9 Jan. '07, p.54-55

b **Neb.** Mickey. "The work devolving upon the office of the State Veterinarian has largely increased during the past four years, due to the adoption of more effective rules by both federal and state government and to the increasing number and value of domestic animals. . . The stock interests of the state need the protection which this office affords and you should see that this Legislature makes appropriations for traveling expenses and assistants adequate to present needs." 3 Jan. '07, p.11-12

c **U.** Cutler. "Information has been received by me that certain diseases of animals are becoming prevalent in the state. . . It goes without saying that it is urgently necessary to prevent, as far as possible, the spread of this and other contagious diseases among animals. It appears to me that there are two means of accomplishing this. One is the establishment of a strict system of quarantine; the other, the appointment of a state veterinary surgeon. I believe that the first of these provisions would be largely ineffectual without the other. But I am also convinced that under the direction of a skilled veterinary, the farmers and stock raisers in different sections would, for their own protection, be willing to pay the expenses of local inspection and quarantine, leaving to the state the payment of only the salary of the veterinary. . . ." 15 Jan. '07, p.27-28

1147 Indemnity

a **Vt.** Bell. ". . . In my message to the General Assembly two years ago I advised the establishment of some date after which the state should cease to be responsible for nearly the full value of condemned cattle. I wish to emphasize this recommendation, for I believe that, with stringent police regulations governing the importation of stock and an enforced test of all cattle within the state, disease should soon be practically eradicated, and the state should be free from further expense in this direction." 4 Oct. '06, p.10-11

1151 Special diseases

1153 *Anthrax. Blackleg*

a **Del.** Lea. "For the last two or three years certain portions of the state have suffered from the anthrax plague. . . The recurrence of this trouble the coming year is imminent. . . It

behooves you, therefore, to take into careful consideration measures which will effectually prevent its annual recurrence, and if possible finally to eradicate the plague. . . ." 1 Jan. '07, p.13-14

1169

Special animals

1177

Sheep

- a Or. Chamberlain. "I am advised that because of the present condition of our laws with respect to the shipment of sheep, an expense of fifty cents per head is entailed on all sheep shipped from the state, except those that are shipped for immediate slaughter, and in addition to this the cost of dipping and the shrinkage occasioned thereby. Last year there were shipped from the state about 400,000 head, and it can be seen at a glance how expensive this is to the sheep men and woolgrowers of the state. Steps should be taken at once to eradicate scabies so as to remove this handicap against our citizens. . . ." 16 Jan. '07, p.30
- b U. Cutler. ". . . The Board [of Sheep Commissioners] recommends the enactment of a state law making the quarantine of infected sheep outside the state more effectual; and I am of opinion that this should be done. . . ." 15 Jan. '07, p. 26-27

1180

Control of waters

See also 1384, Canals; 1393, Bridges; 1800, Navigation

- a N. J. Stokes. "Our potable water supply presents the most important problem before the people of the state. . . The creation of a state water supply commission to control and regulate the diversion of potable waters without interfering with present municipal or vested rights, or the vesting of some such power in a state board already in existence would seem to be necessary to save this valuable state asset. . . ." 8 Jan. '07, p.36-37
- b N. J. Stokes. Recommends construction of storage dams on Passaic and Hackensack rivers. 8 Jan. '07, p.37-39
- c N. Y. Hughes. ". . . It is well to consider the great value of the undeveloped water powers thus placed under state control [in forest preserves]. They should be preserved and held for the benefit of all the people and should not be surrendered to private interests. It would be difficult to exaggerate the advantages which may ultimately accrue from these great resources of power if the common right is duly safeguarded." 2 Jan. '07, p.25
- d N. Y. Hughes. "By the act creating the Water Supply Commission it is provided that no municipal or public corporation or public board or any private person or waterworks company engaged in supplying any municipal corporation with water should acquire lands or additional sources of water supply save as the commission determines, among other things, whether the plans

CONTROL OF WATERS

1180

proposed are justified by public necessity and are equitable in their relation to other divisions of the state. It also has important powers with reference to river improvement. It remains to be considered whether it is not advisable to provide a more comprehensive plan, embracing in a clearly defined way the matter of water storage and the use of water courses for purposes of power. The entire question of the relation of the state to its waters demands more careful attention than it has hitherto received in order that there may be an adequate scheme of just regulation for the public benefit." 2 Jan. '07, p.26

- e N. Y. Hughes. Recommends "provision for inquiry and the formulation of plans with reference to the development of water powers and their proper control and regulation by the state."

4 June '07

- f Or. Chamberlain. Recommends liberal appropriations for betterment of waterways, acquiring locks at the Falls of the Willamette and continued maintenance of the portage railway at Cascade locks, as an aid in solving rate regulation; that the Board of Portage Commissioners be composed of others than the Governor, Secretary of State and State Treasurer.

16 Jan. '07, p.19-22

- g Wis. Davidson. ". . . The indiscriminate granting of franchises has retarded development rather than promoted the investment of capital. Chapter 521 of the laws of 1905, which provides for the termination and forfeiture of all franchises unless construction is begun in good faith within four years from the date of the grant, has preserved much valuable property of the state. There is need for additional legislation requiring a more specific description in charters of the location of every proposed dam, and making a uniform provision for fixing the legal height of such structures."

10 Jan. '07, p.45-46

1183

Irrigation. Water rights in arid states

- a Cal. Pardee. ". . . Careful investigations are being made into the extent and probable permanency of subterranean water-bearing strata throughout the state. The importance of this work may be judged from the fact that two thirds of the irrigated area in southern California is now being supplied with water by irrigation from wells, and that the single community of Pomona has \$565,000 invested in pumping plants. One fifteenth of the entire expenditure of the United States government for this kind of work is being expended in California. Our state Legislature has appropriated \$35,000 to carry on this work for the four years ending June 30, 1907, and it is estimated that it will require \$25,000 as the state's share for carrying on the work the next two years, the increase to be devoted to investigations of underground waters. So far, only one third of the expenditure has been devoted to this

1183

work, and two thirds to investigations regarding surface waters. I earnestly recommend that this appropriation of \$25,000 be made."

7 Jan. '07

b **Mon. Toole.** ". . . This [Irrigation Code] Commission entered upon the discharge of its duty impressed with the great responsibility of its task and has, as I believe, conscientiously discharged its trust. Some of the results sought by this proposed code as understood by the commission and set forth in its report are briefly as follows:

1st. The just and early adjudication of the many conflicting uncertain water rights now recorded, and this at the least possible cost.

2d. The full and prompt protection of water right users, without costly litigation.

3d. To afford the person or company now owning or hereafter acquiring a water right clear and indisputable title to the same.

4th. To make beneficial use the basis, measure and limit of rights.

5th. To prevent water waste.

6th. To have all records relating to water rights tabulated by stream systems and accessible to the public at the State Engineer's office, so that titles may be easily ascertained.

I bespeak for this code and the report of the commission your careful and favorable consideration." 8 Jan. '07, p.35-36

c **N. M. Hagerman.** "The last Legislature passed a very comprehensive law creating the office of Territorial Irrigation Engineer and to promote irrigation development. In many respects the law was a good one, but from the experience of the past two years it has in general proven too extensive to be properly carried out in New Mexico. . . . The most useful work that can be done by the Territorial Irrigation Engineer is to obtain and compile full and accurate statistics in regard to the flow of streams and irrigation possibilities of the territory, for the purpose of encouraging the construction by private capital, or otherwise, of irrigation enterprises, which will inure to the benefit of the territory. The law provides for such work, but very little has been done. Much of the future prosperity of the territory depends upon the work done within her boundaries by the National Reclamation Service. . . . I have received intimations from the engineer in charge of the Reclamation Service, that he would be willing to cooperate with the territorial authorities in hydrographic work and in investigations of matters pertaining to irrigation. In a number of western states they have already arranged a satisfactory form of cooperation with the State Engineer. In such cooperation the federal government generally contributes one half of the expenses and the state or territorial government the remainder, frequently by utilizing suitable appropriations made for state engineering operations. . . . I recom-

CONTROL OF WATERS

1183

mend that all that part of our law relating to the Board of Control be repealed and that our efforts, at present at least, be confined to the operations of the Irrigation Engineer himself, on such lines as will bring about the desired cooperation with the federal government."

21 Jan. '07, p.33-34

- d Or. Chamberlain. "Another serious trouble will be encountered in the near future because of the want of a code of laws defining water rights and water titles and preventing the monopolization of the water powers of the state by private interests. . . Realizing the importance of this subject, the Portland Board of Trade some time since put on foot a movement which resulted in the framing of a bill by a capable committee covering this whole subject. . . I earnestly call your attention to the code framed by the committee mentioned, and beg you to be extremely cautious about making any changes in a proposed measure which has been framed after weeks of deliberation and consultation by a committee having the best interests of the whole state at heart."

16 Jan. '07, p.15-16

- e S. D. Elrod. "The last Legislature passed an irrigation code. It needs some minor modifications."

8 Jan. '07, p.43

- f U. Cutler. ". . . As the next Irrigation Congress is to be held at Sacramento, California, this year, I would strongly urge an appropriation for Utah's participation. . ."

15 Jan. '07, p.29-30

1184

Arid land grant

- a Or. Chamberlain. ". . . The reclamation of these [desert] lands under the Carey act and the acceptance of said act by the Legislature of this state has been a source of great anxiety to the board, because of the imperfections in both the federal and the state law. These troubles, which have seemed great to the board during the past four years, will grow greater with the coming years unless the law is made more definite in its terms along the line of the recommendations made by the board in its report."

16 Jan. '07, p.15

1188

Waste

- a Cal. Pardee. ". . . Next to the quantity of water available, and the quality of it, must be ranked its economical use, for only by economy in use can all the arid lands of our state be finally brought under successful tillage. . . The Legislature will be asked for \$10,000 a year for the next two years for continuing this important work, and I recommend that the appropriation be made."

7 Jan. '07

1189

Artesian wells

- a N. M. Hagerman. "The law providing for the inspection of artesian wells and the creation of artesian districts passed by the last Legislature, has proven a very wise and useful one. . . There

1189

are now 301 wells in Chaves county and 166 in Eddy county. Careful quarterly inspections made of the wells in both counties show considerable variance in the pressure at different times of year, dependent apparently, in some degree at least, on the amount of water used. The change in pressure varies in different parts of the district but the result of the observations for the past two years undoubtedly shows a somewhat decreased flow throughout the district, slight in some places and more pronounced in others. Whether this decrease will continue is not certain. If it does, the suggestions made that action should be taken to limit the number of wells drilled should be considered. . . ." 21 Jan. '07, p.34-35

- b S. D. Crawford.** "I learn from men of the most wide practical experience in this state, as drillers of artesian wells, and from geologists who have scientific knowledge upon the subject, that the great waste of water from the artesian basin caused by the sinking of numerous wells in close proximity to each other and unchecked and constant flow therefrom, together with the loss of water into upper stratum in cases where the pipe and well casings have rotted out, is materially diminishing the water supply and pressure and threatens to greatly impair, if not to ultimately destroy the invaluable benefits now enjoyed from this great subterranean water reservoir. Legislation is proposed for the purpose of regulating the sinking of these wells and the use of water therefrom. This legislation is entitled to your best thought and care." 8 Jan. '07, p.42

1192

Drains. Dikes. Levees

See also 1183, Irrigation

- a Ark. Little.** ". . . I need only to . . . solicit your prompt and careful consideration of all needful and beneficial legislation looking to the betterment of the levee and drainage interests in the state." 18 Jan. '07, p.12
- b Minn. Johnson.** Drainage of 2,368,000 acres of school lands. 9 Jan. '07, p.44-45
- c N. D. Burke.** "The conditions prevailing in the Red river valley for the past several years require of us, at this time, some additional legislation on the subject of drainage. . . . In this connection I call your attention to the fact that in 1905 21 states and 3 territories passed drainage laws which may be found in the state library and which no doubt will be of great assistance to you in the enactment of a drainage law. I have referred particularly to the Red river valley on account of the great necessity for drainage in that portion of the state, but there are many acres of land in other portions of the state that can be reclaimed by a proper system of drainage." 9 Jan. '07, p.11
- d U. S. Roosevelt.** Urging Congress to take action to avert the threatened destruction by the overflow of the Colorado river in the Salton Sink region. 12 Jan. '07

TRANSPORTATION

Pollution of water, *see* 1079

1200 Transportation and communication

See also 1800, Navigation

- a Ct. Woodruff. “. . . The Railroad Commission should by statute have authority to prevent the issue of stock by any railroad company or telephone company until the par value thereof or such amount in excess of the par value as the company shall require to be paid, has been paid to the company in cash. Authority to issue stock, bonds, or other evidences of indebtedness should be secured by any railroad or telephone company only after application to the Railroad Commission, and by that commission granted in writing, the applicant corporation to state the amount to which, and the purpose for which, such issue of stock or bonds is sought. And proceeds of such stock or bond issue should not be applicable by any railroad or telephone company, receiving permission to make such issue, for any other purpose than that authorized by the Railroad Commission. The railroad commissioners should also be given power to change or move or eliminate grade crossings and to remove all obstructions to view at grade crossings, such as buildings, trees, embankments, poles, or anything else that prevents a free and unobstructed view of the track for a reasonable distance in each direction. The Railroad Commission should also be vested with the right to regulate and supervise the rates to be charged for service by any and all telephone companies. This raises the question of rates that should be permissible for service by such corporations. Provision should be made that 25 or more subscribers should have the right to petition the Railroad Commission with reference to grievances, either as to service or as to rates charged by such telephone company, and upon receipt of such petition the commission should be required to hold a public hearing before rendering a decision. Further provision should be made for the right of appeal by either party should such complainant party or corporation feel aggrieved at the decision of the Railroad Commission — appeal to be made to any judge of the Superior Court . . .

It is therefore high time that this General Assembly took under consideration the enactment of legislation that will prevent a repetition of these harmful practices. I would earnestly recommend that this General Assembly, through its judiciary committee, hold hearings early upon this proposition and that your judiciary committee be instructed to recommend such legislation as it shall deem advisable, so that the General Assembly of 1907 shall not adjourn without having done remedial and constructive legislation along these lines. . . .”

12 Feb. '07, H. J. p.454-55

1200

b Fla. Broward. "I would further recommend that the express companies, the telegraph and telephone lines of the state be placed under the jurisdiction of the Railroad Commission, with such powers as may be necessary to control the character and maintain the efficiency of the service, and to regulate the rates charged therefor." 2 Apr. '07, p.21

c Mon. Toole. "I renew the recommendation made to the Ninth Legislative Assembly for the creation of a railroad commission with full power to regulate rates within the state. Inasmuch as Congress has recently legislated on the same subject as applied to interstate commerce, I think it wise to frame our legislation for state regulation as far as practicable in harmony with the national act, thus giving our commission the benefit of the experience and research of the interstate commission in the establishment of rules of practice, methods of procedure, and precedents. Express companies, sleeping car companies, telegraph companies, interurban electric companies and interurban telephone companies should all be treated like the railroads and put under the control of the railroad commission, and the law should vest in the commission the authority to exercise any control necessary for the most ample protection of the public. It is generally known that the bill passed at the ninth session relating to this matter did not meet with my approval and failed on that account. The main objections then urged to that bill were:

1st. The Legislature invaded the province of the executive in assuming to name the commissioners.

2d. That, whether expressly prohibited or not by the Constitution, the exercise of such power of appointment by the Legislature as a matter of public policy ought not to be regarded as a legislative function.

3d. The appointees held over two general elections, contrary to the provisions of the Constitution and violative of that practice which ought to obtain by which the will of the people can be expressed at frequently returning periods.

4th. No provision was made for the removal of the commission or any member thereof.

I may add that the commission, in my opinion, ought not to have more than one member of any political party upon it if we are to expect with confidence equal and exact justice to the people on the one hand and the railroads on the other. . . ."

8 Jan. '07, p.11-12

d N. C. Glenn. ". . . In regard to all railroads intrastate, the [Corporation] Commission should be given (if it does not already possess it) full, ample, and complete power to regulate and adjust all passenger and freight rates; to prevent all unjust discriminations, to require all connecting lines to make close connections, and have union depots; to require all railroads to run on schedule time, and on failure without just excuse, to be penalized; to order

TRANSPORTATION

1200

the adoption of an interchangeable mileage book; to make all necessary orders regulating all matters concerning railroads and other corporations, and then be given power to enforce its orders by contempt proceedings or penalties. In regard to interstate matters affecting railroads, where there is complaint, the commission should be required to take all needed evidence, find its conclusions of fact and law, and present its report to the United States Interstate Commerce Commission, for its action; and if that body refuses to right the wrongs complained of, to carry the matter before the judicial or legislative department of the government. . . The commission should likewise be required, and given full power, to regulate and establish rates for all telephone systems, and compel different telephone lines, for reasonable compensation, to make arrangements for transmitting messages from other lines over their own lines. Also, in every way needful, to control and regulate steamboat lines, telegraph lines, and express companies. . . I repeat: Give the Corporation Commission full power to act, and then require them to act; for a commission without power, or that has the power and does not act, is worse than no commission." 9 Jan. '07, p.10-11

- e W. Va. Dawson. "The Railroad Commission should also have the power to supervise the operation and regulate the rates of express companies, sleeping car companies, telegraph and telephone companies, and other like common carriers and public service corporations." 8 Jan. '07, p.39-40

1204

Rates. Discrimination

1205

Discriminations

- a Ala. Comer. "I recommend laws prohibiting the giving of rebates by common carriers in this state and prohibiting the acceptance of same by shippers." 15 Jan. '07, p.8
- b Cal. Pardee. ". . . The State Constitution contains a stringent provision forbidding just such discriminations as have been described . . . Nothing could be clearer or more positive than that constitutional declaration, but although another section says that 'the Legislature shall pass all laws necessary for the enforcement of this article,' it has failed to do so in the matter of rate discriminations. The Constitution itself provides no penalty for violation of the prohibition of discriminations, and no statute on the subject can be found. It is true that section 489 of the Civil Code purports to fix maximum rates, but the Supreme Court has intimated that this is no longer in force, and it does not touch upon the subject of discriminations. Consequently, as matters now stand, any railroad which chooses to do so may, in spite of the absolute prohibition by the Constitution, proceed to practise such discriminations in intrastate commerce as could not be practised in interstate commerce without inviting the severe penal-

1205

ties of the federal law. These discriminations may be carried even to the extent of destroying independent business concerns and aggrandizing the trusts, and bring down no legal punishment on the heads of the authors of such acts. There is crying need of a punitive law, and I call the subject to the serious consideration of the Legislature." 7 Jan. '07

- c **Mo. Folk.** ". . . While rebates on interstate shipments must be covered by federal law, there should be a stringent state law on this subject, and I recommend the enactment of a statute providing proper penalties for railroad corporations or the directors, employees, or agents of any railroad giving rebates on shipments within this state." 2 Jan. '07, p.22

1212

Rates (general)

- a **Ala. Comer.** ". . . I recommend the enactment of laws fixing a maximum freight rate not to exceed the present freight rate in this state. In order to give to the freight payers of Alabama the quickest relief and the surest relief, I recommend that you enact a statute naming the classification and rates of freight on all the articles of common manufacture, production, consumption and use not to exceed the present classification and rate on such articles in the state of Georgia, which rates shall not be increased except by statute, but may be reduced by the railroad commission of the state, or by the carriers themselves.

I recommend the enactment of a law, fixing a maximum passenger rate of 2½ cents per mile on all railroads in Alabama."

15 Jan. '07, p.5-6

- b **Ala. Comer.** ". . . I . . . suggest that any railroad which owns and operates any other railroad in the state, shall be required to have one general freight tariff, and the cost and charge of the freight shall be based on a mileage as one continuous line and not as the sum of two locals. . . ." 15 Jan. '07, p.7

- c **Ark. Little.** ". . . The railroad companies, when they fail to do so, should be required to charge no more or higher rate than is fair and reasonable, and equal facilities should be afforded to all shippers without favoritism or discrimination, and, if the powers of the railroad commission need enlarging and strengthening to enable them to compel the observance of these just and fair regulations, you ought to confer it upon them by proper legislation. Under our law as it now stands the general rate of three cents per mile is allowed to be charged passengers. It is believed by many that a general reduction of this rate to two cents per mile will be fair and reasonable, and that the increased travel would largely compensate for the reduction in rate. . . ."

18 Jan. '07, p.7-8

- d **Col. Buchtel.** ". . . One of the important questions you will need to consider is whether the Railway Commission will have authority to approve a special rate which a railway company

may make on raw materials to aid a manufacturing plant in the beginnings of its life when it is in competition with the gigantic manufacturing establishments of the east—said special rate of course to be made public. . . .” 8 Jan. '07, p.23-24

- e **Kan. Hoch.** “. . . If railroad rates in this state are to be made equitable, an expert equal in ability to those employed by the railroads themselves in fixing the schedules in the first place must be employed by the state. The absolute necessity, also, of an authoritative estimate of the value of railroad property in Kansas, in order that the question as to what is a reasonable rate may be intelligently decided by the commissioners, is apparent to every student of the subject. Constant complaint is made that freight rates are excessively high in Kansas, altogether out of proportion to the rates charged in other states. . . .”

8 Jan. '07, p.4

- f **Mass. Guild.** “The present law provides that where a change in rates or fares is reasonable and expedient the Railroad Commissioners shall in writing inform the corporation of its recommendations. I suggest the extension of the statute. If in the future any railroad proposes to increase freight rates or passenger rates, if in the future any railroad proposes to withdraw or curtail existing privileges of any kind it should face a new, clear and explicit statutory provision that any increase in charges by common carriers, any curtailment of privileges enjoyed by passengers or shippers can only be made after a public hearing and the written approval of the Railroad Commissioners. . . .”

5 June '07

- g **Minn. Johnson.** “. . . I would recommend the appointment of a joint legislative committee with a view of making a study of the prevailing conditions as to the various rates of transportation and establishing a distance tariff law, which will bring some measure of prompt relief. . . . In addition to reduction of rates, stringent laws should be passed at this session of the Legislature, in harmony with those of the general government pertaining to interstate commerce, which would serve to make impossible the granting of rebates and special privileges to classes in the handling of state business.” 9 Jan. '07, p.20-23

- h **Minn. Johnson.** “It is of the highest importance that an order made by the Railroad and Warehouse Commission, with reference to rates or classification, should go into effect within a reasonable time, not to exceed 30 days, after the order is made and should remain in effect until modified or reversed on appeal The orders of the Interstate Commerce Commission pertaining to rates under the new government rate law, and of the Iowa Railroad Commission under the distance tariff law, are prima facie legal rates after a given day, notwithstanding appeal, and stand as such until the proper court has adjudicated otherwise, and this should be the rule of law in Minnesota, if the orders of

1212

the state commission are to have the authority and effective influence which the general interests of the state demand."

. 9 Jan. '07, p.24-25

- i **Mo. Folk.** ". . . In my opinion the present [maximum freight] law should be amended so as to make the penalty for its violation apply to persons, corporations and partnerships. The present penalty clause applies only to railroads. It should also be amended so as to include coal, lumber and other products."

2 Jan. '07, p.21-22

- j **Mo. Folk.** "It would be unfortunate if this General Assembly should adjourn without enacting a statute curing the faults in this freight rate law. . . The statute enacted by the last General Assembly is defective in the penalty clause, which applies only to railroads. The penalty should be made to apply to persons, corporations and partnerships. The cattle clause should be corrected in the light of the testimony adduced in the freight rate litigation so as to fix these rates at an amount that will stand the test of the judicial crucible. . ."

27 Feb. '07, p.3

- k **Neb. Sheldon.** "In regard to the railroad legislation that you are about to enact, permit me to offer these suggestions:

1st. It is recommended that a law be passed prohibiting any railroad company from charging in the future any more between points within this state than were the charges on the first day of January, 1907; compelling them also, to furnish to the railroad commissioners all tariffs and classifications in force on that date.

2d. Inasmuch as the constitutional amendment providing for the Railroad Commission does not definitely define the powers and duties of that commission, a law should be passed immediately that will clearly, simply, and unmistakably define its powers and duties. Besides defining the duties of the commission, there should be conferred upon it the power to prohibit rebates, special rates, and discriminations of every sort to any particular person, company, firm, corporation or locality; and power to change, or alter, any or all schedules, classifications or tariffs that are in force on any railroad in this state at any time, so that the rates, fares and charges shall be reasonable, just and equitable. Let this law be written so plainly that it can not be misunderstood, and with such deliberation that it can not be set aside by the courts.

3d. It is recommended that you deprive the railroads of the right to enjoin the enforcement of a rate made by the commission pending an appeal to the state courts.

4th. It is further recommended that you pass a joint resolution memorializing Congress to pass a law that will deprive common carriers from enjoining the enforcement of rates made by a state commission between points within a state pending an appeal to the federal courts."

3 Jan. '07, p.42

- n N. D. Burke.** “. . . The regulation may be direct legislation or the power to make such reasonable regulations may be delegated by the Legislature to the Railroad Commissioners. The latter is the more practical, if your railroad commissioners will act, or if your law delegating to them the power is sufficient to compel their action. The reason why such a law is the more practical is because it is very difficult to make a hard and fast rule fixing passenger and freight rates and the furnishing of cars and equipments. Reasonable rates under certain circumstances and conditions might be unreasonable under different circumstances and conditions, and with the power in the Railroad Commissioners, the conditions could always be met with a reasonable regulation.

We have had, however, since 1897, a law containing a mandatory provision requiring the railroad commissioners to make a schedule of reasonable maximum rates for the transportation of passengers and freight in this state, the law referred to being section 4343 of the Revised Codes of 1905. If this law is enforced it is probably sufficient, so far as a delegation of power to the Railroad Commissioners is concerned. If you should conclude that the power should not be delegated to the commissioners, but that the rates should be fixed by statute, you should be governed in fixing the rate by the rule laid down by the Supreme Court of the United States in the case of the Chicago, Milwaukee & St Paul Railroad Company vs. Tomkins, 176 United States 167, viz: ‘The unreasonableness of the schedule of rates for local business of a railroad company must be determined by a comparison of the gross receipts of the road and the cost of operating it.’ The question of fixing passenger and freight rates I recommend to your sound discretion and best judgment, feeling certain that you will find on investigation that the local freight and passenger rates are unreasonable and that your action thereon will be fair and just to the railroads and to the people.” 9 Jan. '07, p.7-8

- p W. Va. Dawson.** “. . . All trunk railroads should be required upon application to make prompt connections with branch and lateral lines, and prorating arrangements with such lines upon fair and reasonable terms; also to make through rates for such branch and lateral lines; and be required to allow something to the short lines connected with them for originating freight. . .”

8 Jan. '07, p.36-37

- q Wis. Davidson.** “. . . The cost of railroad properties must be considered as an element in determining rates as the earnings of the corporation must provide for the expense of maintenance and repairs and reasonable returns upon the capital actually invested. I therefore recommend that the State Railway Commission be clothed with adequate power to determine the value of the railway properties of the state and to employ such experts as may be required to aid in this work.” 10 Jan. '07, p.18

1227

Passenger rates

- a** **Ind.** Hanly. "With free transportation eliminated there is no just reason why the maximum passenger rate of steam railways in Indiana for intrastate travel should not be fixed by law at two cents per mile. There should be a provision that the minimum price of a ticket should not be less than 5 cents. It will also be but just to the railway companies that provision be made permitting them to charge a cash fare on trains of not to exceed $2\frac{1}{2}$ cents per mile where the passenger has been given opportunity by the company to purchase a ticket at a regular ticket office before entering the cars. Such legislation will be of substantial benefit to the traveling public. The wealth and the population of the state amply justify it. Its operation will not injure the railroad companies. Their passenger receipts will not be diminished. The reduction of fare will be offset by the increased travel resulting therefrom. This has been the effect of similar legislation in other states, and there is no reason why the effect should be different here. I take it you will enact a law in this behalf since most of you come with instructions from your constituents to do so."

10 Jan. '07, p.57-58

- b** **Ia.** Cummins. ". . . For my own part, I am deeply convinced that a reduction in the passenger rate is fully warranted, and I therefore earnestly recommend the substitution of a 2 cent rate for the existing 3 cent rate. . . ."

14 Jan. '07, p.27-31

- c** **Kan.** Hoch. "I recommend the appointment of a committee early in the session to hear arguments for and against a proposition to reduce railroad fare in this state. Let both sides have a full and fair hearing, that the interests of the traveling public may be subserved without arbitrarily doing that which may be unjust to the transportation companies. A reduction of railroad fare is sure to come. It is only a question whether or not that time has arrived. I have given the subject much thought and study, and believe that, with the abolition of free passes and the stimulus to travel which a reduction of fares would create, the companies would not be serious losers by the reduction, while the public, of course, would be immensely benefited."

8 Jan. '07, p.3-4

- d** **Mich.** Warner. ". . . I am of the opinion that the law of this state should be amended so as to make the maximum passenger fare that may be charged in the upper peninsula 3 cents per mile, and the maximum rate in the lower peninsula, with the possible exception of that charged by a few independent companies whose passenger earnings are less than \$1000 per mile, 2 cents per mile. The Legislature can, I think, be depended upon to deal justly with the smaller independent roads to which reference is made. Two years ago I called attention to the fact that several railroad companies whose passenger earnings had passed the limit fixed by law for a decrease in passenger rates had, after

TRANSPORTATION

1227

demand for such decrease had been made by proper state authority, been enabled to continue to collect the higher rate for several years pending the final disposal of an appeal to the courts. In that message, while recognizing the right of the companies to such appeal, I suggested that much of the litigation could doubtless be averted if there was enacted a law providing that whenever the courts did not sustain the appeal of the company in such cases, said companies be required to pay into the state treasury an amount equal to twice the excess of passenger fares collected during the pendency of the cases in court. . . ."

3 Jan. '07, p.23-24

- e **Mich.** Warner. ". . . I, therefore, renew my former recommendation that the law be amended so as to make the maximum passenger fare that may be charged in the upper peninsula 3 cents per mile, and the maximum rate in the lower peninsula, with the possible exception of that charged by a few independent companies whose passenger earnings are less than \$1000 per mile, 2 cents per mile. . . ." 26 Apr. '07

- f **Minn.** Johnson. ". . . The time has come in our state when relief is also demanded in the matter of passenger rates. The current fare for the carrying of passengers now is 3 cents per mile. It is recognized that the average fare per mile paid by persons who travel on railroads does not exceed 2.03 cents per mile. A maximum rate of 2 cents per mile should be fixed by law and fixed now. . . ." 9 Jan. '07, p.23

- g **N. C.** Glenn. ". . . I . . . recommend that there be only one fare, and that the rate be fixed at 2½ cents per mile, and the mileage book at 2 cents per mile. . . ." 9 Jan. '07, p.9

- h **Pa.** Stuart. "I most earnestly recommend legislation that will secure a rate not exceeding 2 cents per mile upon all railroads within the commonwealth, and such further legislation as will require the sale of mileage books at a rate not exceeding 2 cents a mile, without the requirement of a 10 dollar deposit and without any other obnoxious regulation or restriction attached."

15 Jan. '07, p.8

- i **Tex.** Campbell. "The passenger rate now paid by those not favored with free passes should and I recommend that the same be reduced to 2 cents per mile. The present and growing volume of passenger traffic in Texas warrants such reduction."

16 Jan. '07, p.6

- j **Tex.** Campbell. ". . . I hereby designate and present to you for your consideration and for legislation, the following subjects. . . To regulate and fix the passenger fare on all railroads in this state and to provide for the redemption of all railroad tickets sold."

22 Apr. '07

- k **W. Va.** Dawson. "There has been much agitation concerning a maximum rate of 2 cents a mile for transportation of passengers on all railroads in this state. . . As to those railroads which

are carrying passengers for 2 cents a mile by issuing mileage books for which the buyer pays a net price of 2 cents a mile, there can be no doubt that you have both the legal and the moral right to prescribe the maximum rate of 2 cents, because the railroads have made that rate themselves. . . . As to the other railroads which have not established by the selling of mileage books a rate as low as 2 cents a mile, there is a more serious question. There are a number of short independent lines in this state, which may not be able to carry passengers at that rate. I suggest that the matter be left to the investigation and action of the railroad commission. . . ."

8 Jan. '07, p.37-38

1237

Passes. Franks

a Ala. Comer. "I recommend the enactment of laws imposing adequate penalties on common carriers or public service corporations for the issuing of free passes of every character and the rendering of free service of every character to any person or persons, except actual bona fide employees and members of their families. . . ."

15 Jan. '07, p.11-12

b Ga. Smith. "I urge also the passage of a bill which will put an end to the free pass system between local points in Georgia. . . ."

29 June '07, p.5

c Id. Gooding. ". . . I sincerely hope that this promise to the people will be kept by the enactment of a law prohibiting the use by any state or county official of favors at the hands of railroad, telegraph and telephone companies. I feel that you should go farther and prohibit the issuance and use of free transportation by all citizens of the state, unless actual employees of the railroad, telegraph or telephone company issuing the pass. A law following along the lines of that passed at the last session of the national Congress, which only allows issuance of passes to employees, ministers of the gospel, and persons engaged in charitable and religious work, I feel would meet with general approval, and prevent the control to a large extent, of political parties by the great corporations doing business in Idaho."

8 Jan. '07, p.24-25

d Ill. Deneen. ". . . I recommend that a comprehensive law be enacted in this regard with a view to abolishing the use of railroad passes, modeled after that enacted by Congress at its last session. . . ."

9 Jan. '07, p.37

e Ind. Hanly. "Two years ago I urged upon the General Assembly the necessity of antipass and antifrank legislation. . . . Every citizen is entitled to use a public service corporation under like circumstances upon the same terms as to cost and accommodation. Anything else is discrimination, and should be inhibited by law. . . . I therefore repeat the recommendation I made. . . ."

10 Jan. '07, p.56-57

f Ia. Cummins. ". . . The constitutionality of the existing statute was at one time questioned, but the case in which it arose was determined upon another issue, and therefore the validity of

TRANSPORTATION

1237

the law is still undecided. I recommend the subject to you as one worthy of the most careful consideration. It is believed by very many of our manufacturers, as well as by a large proportion of our general shippers, that the law should be amended so as to confer upon the commission as complete power to establish a schedule of joint rates, embracing all railroads and all traffic, as it now has to promulgate a schedule of rates over single lines."

14 Jan. '07, p.32-33

g Ia. Cummins. ". . . Congress has legislated upon the subject [passes], in so far as it relates to interstate carriage of passengers, much more effectually. I believe that the law of Iowa should be amended so as to conform to the law of the United States, and I recommend the enlargement of our statute so that what is unlawful for a railway company to do as between the states will also be unlawful to do within the state. I recommend further that you make such a definition of bona fide employees as will preclude the issuance of passes to persons whose connection with the company is either formal or created chiefly to give opportunity for free transportation." 14 Jan. '07, p.34

h Kan. Hoch. "I recommend the enactment of a law forbidding gratuitous transportation, except to actual railroad employees. Congress has enacted such a law covering interstate transportation, and Kansas should follow the example with reference to free passes within state borders." 8 Jan. '07, p.3

i Minn. Johnson. ". . . I urge most earnestly the early enactment of a law which will forever abolish the pass system in Minnesota." 9 Jan. '07, p.23

j Mo. Folk. "For many years in this state the giving of free railroad transportation to legislators and public officials has been prohibited. This law is now being enforced. I believe the law should go further and prohibit the giving of free transportation by railroads to any one except, possibly, employees. The federal statute which is now in effect forbids such transportation being given for interstate travel. The state law would apply to travel within the state. Railroads are public highways for public convenience. The charge for the carriage of persons and freight is in the nature of a tax on the public. It is just as unfair to permit a railroad to carry a part of the public free while it charges the rest of the public enough to make up for deadheads as it would be for a tax collector to release a portion of the population from taxes, distributing what these should contribute to the expenses of government amongst those who do pay and compelling the latter to bear the entire burden. With every one paying fare I submit to your consideration whether the railroads can not be fairly required to carry passengers at 2 cents per mile instead of 3 cents, now charged. . ." 2 Jan. '07, p.13

k Mon. Toole. "The same public sentiment which found expression in recent congressional action prohibiting the granting

1237

of passes by transportation companies engaged in interstate commerce is no less pronounced or applicable so far as transportation companies operating within this state are concerned. . . I recommend such legislation as will effectually prohibit the giving or acceptance of passes or free transportation in this state to such officers under no less limitations than are now prescribed by law for interstate roads and companies. . . I can conceive of no reason why the same principle which applies to a public officer should not apply to the private citizen as well. To say the least, it would remove that objection which discrimination always invites, however magnified such objection may be."

8 Jan. '07, p.12-13

n Neb. Mickey. ". . . I recommend that at as early a date as is practicable you add to our statutes a rigid antipass law, applicable to all cases save those of bona fide railroad employees, the members of their immediate families, and care takers of live stock. With the exceptions noted, a heavy penalty should be imposed both on the party who issues a pass and the party who solicits the same."

3 Jan. '07, p.15

p N. H. Floyd. "The voters of New Hampshire have demanded that the issue of free passes on railroads, especially to members of the General Court and state officials, should be prohibited by law, and as their servants we are in duty bound to obey their commands. I therefore recommend the enactment of a law embodying the recommendations of the platform, with such penalties for its violation as will make the law effective. At the same time the state should provide for reasonable transportation of members of the General Court between their homes and the capitol when in the discharge of their legislative duties. Laws to this effect should be passed promptly and go into effect at once."

3 Jan. '07, p.18

q N. D. Burke. ". . . A public official ought to be in a position where he can enact, enforce or interpret all law for the common good and general welfare of the public without embarrassment to himself, and this he will find hard to do while his pockets are full of railroad passes. I therefore recommend the enactment of an antipass law to further supplement the 'rate bill' and to enable the railroad companies in this state to reduce their rates for carrying passengers."

9 Jan. '07, p.6-7

r Or. Chamberlain. "At the last election a law was proposed by initiative to abolish free passes. The author of the law omitted to preface it with an enacting clause. It was, therefore, inoperative under the Constitution. Notwithstanding this fact, a majority of the people expressed themselves in favor of such a law, and I recommend its enactment by the Legislature, and an appropriation sufficient to pay the actual expenses of public officers while traveling on public business."

16 Jan. '07, p.23

- s S. D. Elrod. "Public opinion demands that railway passes should not be used by officials. It is my judgment that you should promptly prohibit the acceptance of passes by all state, county and municipal officials. Railroad employees and their families are entitled to free transportation, they are in fact a very necessary part of the company which employs them. . . The newspapers of the state have done and are doing a great work in singing the praises of the state. . . It seems to me that it would be unwise for the Legislature to enact any law that would prevent the newspapers of this state receiving what is commonly known as newspaper mileage from the railroads for advertising. It is entirely immaterial what a man is paid with for his services. . . It has been the custom for many years for railroads to issue transportation to real estate men on certain conditions. Their work has been a benefit to all concerned, most of all to the people who have located through them in our state. . . It is right and proper that all who receive a benefit should pay for the same. If the railroads are willing to pay for such services with mileage there can be nothing illegal in such an agreement."

8 Jan. '07, p.5-6

- t S. D. Crawford. ". . . This Legislature is in honor and decency absolutely bound to enact a strict and effective law abolishing the pass evil, and will undoubtedly do its duty at an early date. . . It is a well known fact that heretofore state officials have enjoyed the use of free transportation and while using it when traveling on behalf of the state, have frequently omitted the charge for mileage from their accounts. In making appropriations for these officers, you should grant such allowances for expenses as will enable them to purchase transportation when traveling in the service of the state."

8 Jan. '07, p.13

- u S. D. Crawford. ". . . The measure passed by Congress was very thoroughly discussed from every standpoint by men of great ability and it may be that you can not do better than to enact it as the law of this state. If so, I suggest that the words 'agents' and 'attorneys at law' as used in the excepting clause be clearly defined so as to prevent the issuance of passes for political purposes to persons who were not in truth and good faith agents or attorneys of the company issuing them. Experience, observation and exceptional opportunities for noticing the effect of these favors upon men have thoroughly convinced me as they have many others, that the most seductive and dangerous influence at work in the field of politics and in official life today is the pass. It benumbs sensibility and acts like an opiate in dulling the edge of conscience. It is the equivalent,—nay it is more than the equivalent,—of the money its possessor would otherwise have to pay for the privilege it confers because the recipient is flattered by the compliment paid him and persuades himself that receiving or using the pass is not in any sense a

1237

bribe but rather an act of courtesy due to him because he has become a distinguished citizen of the state. Its influence is everywhere, in caucuses, conventions, legislative halls, courts and juries. Administrative, executive and ministerial officers, as well as party organizations and committeemen come within the range permeated by its mystic power. Congress recognized the necessity of abolishing it and the states are rapidly following with effective legislation. No half way measure should be passed; the evil must be abolished root and branch. . . ." 8 Jan. '07, p.17-18

- v **Tenn.** Patterson. "I call your attention to the following plank in the platform: 'We favor legislation that will prevent the acceptance and use by public officials of passes, franks or free transportation from transportation or other public service corporations,' and recommend such legislation as will carry it into effect."

7 Jan. '07, p.14

Recommendation renewed.

1 Apr. '07, p.4

- w **Tex.** Lanham. "The prohibition of the issuance of free passes by the railway companies has long agitated the public mind and has repeatedly received the approval of our political conventions. It has been brought to the notice and commended to the consideration of previous Legislatures. It should and doubtless will receive attention at this session. . . . It would be better for the people and allay their discontent, as well as for the railway corporations and increase their profits, if the practice of granting such transportation should be properly restricted. It would, perhaps, tend to keep public officials more regularly at their respective posts of duty and restrain absenteeism, if they were required to pay their fares as others have to do. It would do away with special favors and discrimination and place the traveling public upon a plane of equality. It might justify and eventuate in a reduction of passenger fares."

10 Jan. '07, p.19

- x **Tex.** Campbell. ". . . Measures to abolish the free pass evil call for immediate attention and prompt and decisive action."

16 Jan. '07, p.6

- y **W. Va.** Dawson. ". . . I submit that the Legislature should now come to the assistance of the railroads and make legal what they have voluntarily done, and enact laws prohibiting the issuing of passes by the railroads to any public officer or employee, and prohibiting any such officer or employee from accepting any such passes or free transportation."

8 Jan. '07, p.33-34

1240

Miscellaneous. Common carriers

- a **Pa.** Stuart. "Article 17, section 5, of the Constitution of Pennsylvania provides as follows: No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly

TRANSPORTATION

or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business. . . It has been charged that this article is being violated by transportation companies within the state, and I therefore recommend that such legislation as may be necessary to make it effective be given the early consideration of the Legislature, in order that any violations of this law may cease." 15 Jan. '07, p.7

1247

Loss or damage

- a Ala. Comer. Recommends law to bring about prompt adjustment and payment of claims against common carriers.

15 Jan. '07, p.9

1249

Prompt shipment. Demurrage

- a Ala. Comer. ". . . I recommend laws that car service and demurrage rules be enforced by the railroad commission, treating both parties alike in the matter of forfeitures or pay for unreasonable detention and unreasonable service." 15 Jan. '07, p.7-8

- b Fla. Broward. "The power of the Railroad Commission as to the enforcement of the rules and orders in regard to the payment of demurrage for delayed freight or supply of freight cars upon such conditions as it may prescribe, should be ample and effective, and in the recovery of fines and penalties imposed by the Railroad Commission, a law similar to the present 'stock claim law' should be passed allowing the recovery of twice the amount of such fine or penalty, together with attorney fees, where it is necessary to bring a suit to recover the same." 2 Apr. '07, p.19

- c Ia. Cummins. ". . . If the railway companies are remiss in their duty of furnishing cars and moving them, they should pay for their delinquency, and if the shippers and consignees are negligent in returning cars to service, they should pay for their fault. I recommend the enactment of a law that will create a sufficient motive in both carriers and shippers to do their full duty in this regard." 14 Jan. '07, p.33-34

- d Mich. Warner. ". . . I recommend that, at the earliest possible moment, a committee be authorized to thoroughly investigate this whole question with especial reference to determining,

1st. Whether the several railroads operating within this state have made reasonable endeavor to provide sufficient car supply, motive power and terminal facilities to properly care for the business of their lines;

2d. Whether the territory within which Michigan is included is being discriminated against in the distribution of cars and in the return of cars for further service;

3d. Whether any section or sections of this state have been specially discriminated against in the matter of car supply;

4th. If any of these complaints are found to be based upon reasonable grounds, that they make a definite report as to the lines or systems of railroad which are failing to furnish proper service;

5th. That this report be accompanied by recommendations of proper and just legislation to remedy the difficulty.

Understanding that the Interstate Commerce Commission is making an exhaustive inquiry along these general lines, I respectfully suggest that the committee to be authorized by you to make the investigation recommended cooperate with that body. . ."

3 Jan. '07, p.22-23

e Minn. Johnson. Reciprocal demurrage. 9 Jan. '07, p.24

f N. M. Hagerman. ". . . The sheep grower of New Mexico, like all other business men who depend upon the railroads for transporting their product, has during the past year suffered great financial loss through inability to secure cars, and the board suggests that the territorial Legislature, if it has any power to pass laws on this subject, should enact legislation either in the way of compelling the railroads to furnish cars upon reasonable notice, or in the way of giving intending shippers a right of action for damages actually suffered. . ."

21 Jan. '07, p.28-29

g N. D. Burke. ". . . I recommend the enactment of a law requiring the railroad companies to furnish a reasonable number of cars to shippers without discrimination. I am informed that in many parts of the state the railroad companies have discriminated in favor of certain shippers by giving them more cars and larger cars than other shippers in the same town. This should be regulated in such a way that no town would have an advantage over other towns with the same railroad facilities and no shipper would have any advantage over any other shipper. . ."

9 Jan. '07, p.8

h N. D. Sarles. "The car situation of the past several months has conclusively demonstrated the necessity of adopting some provisions tending to regulate, if possible, and prevent the recurrence of such conditions, and I trust that you will give this subject the consideration its importance justifies. Public service corporations should attempt what the name implies or pull down their signs, and the people through their legislative assembly are fully justified in adopting reciprocal provisions of law requiring more efficient service."

9 Jan. '07, p.12

i Or. Chamberlain. ". . . When a company fails beyond a reasonable time to furnish cars to a shipper it should be compelled to pay him a sum equal to that which the shipper would have to pay for failure to unload. . ."

16 Jan. '07, p.23-24

j U. Cutler. ". . . It is claimed by some citizens that the roads are purposely holding coal at various points, and refusing to supply the demand while amply able to do so. The absurdity of this claim is apparent when we consider the high price of coal,

1249

the large profit the railroads must make by handling it, and the strong business reasons they have for supplying it. To accuse the roads of holding back a commodity so profitable to them is to accuse their managers of an utter lack of business sagacity. From my observation I am convinced that it is mostly a question of shortage of equipment, caused by the increased business that has come to the roads. If this is the case, and I think it can not be successfully disputed, the remedy is more equipment or more railroads. If the present railroad service is inadequate to furnish the citizens of Utah with coal, then the service must be increased, or coal prevented from going out of the state until we are supplied. Yet there is enough coal in Utah to supply all the western states for centuries. Therefore, another alternative would be for the citizens to build railroads to the mines. The new federal law covering unjust discrimination, rebates, etc., is now in operation, and the roads will doubtless adapt their affairs to its provisions. Prudence and calm judgment should prevail, and every opportunity be given the railroads to clear up the situation and overcome present difficulties."

15 Jan. '07, p.46-47

k Wash. Mead. Reciprocal demurrage.

14 Jan. '07, p.16-19

n W. Va. Dawson. ". . . There have been many complaints against the railroads of this state in the last few years, and the most of these complaints have been not of high charges, but of discrimination; and this discrimination has taken the form largely of a refusal to furnish cars. Railroads have been indicted and suits for damages have been brought against them on this account. . . I do not want to go into this subject in detail, because I do not desire to stir up strife between the people and the railroads; and I can not think it is necessary, for certainly this Legislature will give the people the relief for which they have been asking for more than a quarter of a century. . ."

8 Jan. '07, p.35-36

1253

Special commodities

1260

Live stock

See also 896, Cruelty to animals

a Mich. Warner. "In nearly every state in the Union railroad companies are made common carriers of live stock. The failure of Michigan to embody this provision in its laws governing the operations of railroad companies places the live stock owners and shippers of this state at a decided disadvantage and very frequently occasions them heavy losses through their inability to place their stock on the market so as to profit by the best prices. Under existing conditions the railroad companies need accept live stock for shipment only when they desire to do so. Michigan breeders and shippers should not be required to suffer this discrimination. . ."

3 Jan. '07, p.21

Roads. Streets

See 2700

1267

Railways. Car companies. Express

Chiefly steam roads but many of the general laws and special provisions include all kinds of railways. *See also* 500, Corporations; 841, 845, Taxation; 2040, Labor

- a **Ala. Comer.** “. . . I recommend a railroad commission law, giving the Railroad Commission adequate power and means to make investigations concerning the rules of railroads, their charges and their methods of doing business, and to put restriction on their charges and to establish between these corporations and the people such rules and regulations for business and service as will be fair and just to both parties alike. The present railroad commission law was a compromise measure and of doubtful validity, and should be supplanted by another, giving said Railroad Commission plenary power and adequate means to carry out these, the just demands of the people. . . .” 15 Jan. '07, p.4-5
- b **Ala. Comer.** “I recommend the enactment of laws, requiring common carriers in this state to submit their books, papers and records to the inspection of the Railroad Commission or other proper authority, and also to submit their agents to an examination under oath by said Railroad Commission or other proper authority, for the purpose of determining the actual amount of capital invested in their properties in this state as well as their earnings and expenses in operating their lines within our borders. . . .” 15 Jan. '07, p.8-9
- c **Cal. Pardee.** “The regular biennial report of the State Board of Railroad Commissioners will be laid before you, and from it you may be able to determine whether the usefulness of this branch of the state government is great enough to justify the expense it involves. . . . The board has, practically, done no business, because it has no business to do. Its main function is supposed to be the fixing of transportation rates, but it has fixed no rates, unless it be upon an agreed basis, for a long time past. Even the compilation and publication of the railroad statistics of the state, which was formerly done with some thoroughness, has been abandoned in recent years, and when, not long since, one of the leading railroad companies asked for a compilation of railroad laws and decisions in California, the commission answered that it could not be furnished because of lack of funds. . . .
By the framers of our Constitution it was doubtless expected that the California commission also would be a busy, working commission, and an administrative authority, rather than a court of appeal; but they failed to assign to the board these additional duties imposed on other state railroad commissions, and it is at least questionable whether the field of duty defined by the Constitution can be enlarged by statute. But it is plain that if the California commission can not be made more useful than it is it should be abolished, and I recommend that the Legislature consider the advisability of submitting a constitutional amendment to that end.” 7 Jan. '07, p.48-49

- d Col. McDonald. "One of the subjects you will have for consideration is a law providing for the creation of a board of railroad commissioners and prescribing its duties. Personally, I am of the opinion that such a board should be elected by the people for a term of six years, one member retiring every two years. . . . The commission should have power to hear complaints and order reductions in rates when the same seem to them to be out of proportion. I also believe that the Board of Railroad Commissioners should perform the duties now performed by the State Board of Equalization in the assessment of corporate property. . . . It might also be permissible to grant an appeal in assessment matters from the Board of Railroad Commissioners to the Board of Equalization at the fall meeting of the board. I realize this will require a constitutional amendment, but I believe the interests of the state demand it. . . ." 3 Jan. '07, p.16-17
- e Col. Buchtel. "We have promised to enact a law for the government of the railway commerce of the state, in harmony with the national rate law, and to create a railway commission to be elected by the people. . . ." 8 Jan. '07, p.22-23
- f Fla. Broward. "I again recommend, as I did to the Legislature of 1905, that the Railroad Commission be made a 'constitutional branch of the state government.' I do this because I believe there should be no uncertainty about so important a branch of the state government; but that it should become more firmly fixed in our system of state administration. The work of the commission has been of untold advantage to the state, and every step should be taken which will serve to increase its force and effectiveness in the problems confronting it. It should be given power to compel the use of suitable and adequate rolling stock for the passenger traffic, and additional power as to the furnishing to shippers sufficient freight rolling stock, and to enforce the regulations of the State Board of Health made for the proper sanitation of passenger cars and depots." 2 Apr. '07, p.17
- g Fla. Broward. ". . . I . . . again recommend that the Railroad Commission be authorized to employ a competent civil engineer, who shall be an expert in values of railroad property, to inspect the physical condition of the roadbeds, tracks, stations and rolling stock of the railroads of the state, and value the same, reporting his findings as to physical conditions and values to the Railroad Commission, in detail, for each railroad and division thereof in the state, and that the Railroad Commission be empowered to make such rules and regulations and orders based upon such report as may be necessary to enforce the maintenance by the railroads doing business in this state of their roadbeds, tracks and rolling stock in such condition as to safely and adequately and with reasonable dispatch discharge their duties to the public as common carriers.

I also would recommend in this connection that the railroad companies doing business in this state be required to make a report to the Railroad Commission, every six months, of the number of engines and cars of the several classes and kinds, and their condition and location, and the amount of their terminal trackage and transfer facilities. Such reports to be used as a basis for determining the adequacy of their equipment to discharge their duties to the public as common carriers for the next six months. . . ." 2 Apr. '07, p.17-19

h Fla. Broward. "I recommend the enactment of a law requiring the railroads to make annual reports to the Railroad Commission of the actual amount of local business done, both freight and passenger, in Florida, the amount of interstate business done by them, and Florida's proportion of the freight and passenger business so done and a statement to show in tons, or carloads, or packages, and amount of money paid for same, and empower the Railroad Commission to investigate the accounts, if they doubt the accuracy thereof, by summoning before them to testify any officer of the railroad, or other person, who may have knowledge upon the subject." 2 Apr. '07, p.19

i Fla. Broward. ". . . I recommend that the Railroad Commission be authorized to secure such legal advice and assistance as may be necessary to properly protect the interests of the state in the various proceedings and hearings in which they may be called upon to act. . . ." 2 Apr. '07, p.21-22

j Fla. Broward. ". . . To this end I therefore recommend that a law be enacted authorizing the Railroad Commission to investigate the prices paid for all materials and labor used in operating or maintaining the railroads, so that a reasonable rate can be established for transportation charges upon the basis of a reasonable and legitimate, rather than the actual padded cost of operation of the road. As the public purse is called upon to pay all of the bills incurred, and dividends besides, it is but right that the Legislature, the representative of the people, should protect the people against the payment of exorbitant salaries to attorneys and officers for maintenance and equipment, and it should be the fixed policy of the state to require, by law, that the value upon which dividends are to be paid by the public shall be the actual cost of the corporation property. . . ." 2 Apr. '07, p.22-26

k Ga. Smith. ". . . Our railroad commission law, passed more than 25 years ago, has in it so much of value which has been sustained by the courts, that I believe it to be the wise policy to perfect by amendment our present commission laws rather than to adopt an entirely new bill covering this subject. The commission should require for passengers reasonable rates and proper schedules and depot accommodations. The commission should require for shippers reasonable rates, and an efficient ser-

vice, the control extending to the time within which cars must be furnished after application, to delivery of freight, to the construction and use of spur or side tracks, to shifting and interchanging cars in railroad yards and terminals, to freedom from partiality in all service, and to the payment of overcharges and shortages. It should supervise the pay and hours of service of telegraph operators and train dispatchers. It should direct the form of keeping accounts by these corporations. It should cover every condition where the officers and agents of the public carrier may fail in duty to the public. Power must be given the commission to prevent the issue of watered stocks and bonds, and to require the money obtained from stock and bond issues invested in the properties of the corporations issuing them. The commission must be given power to protect the public in every relation where they should be served by transportation companies. . . ."

29 June '07, p.11-12

a Ga. Smith. ". . . I do not urge that procedure be now begun to forfeit railroad charters, but I warn the men in charge of these properties not to defy the conservative demands now being made upon them."

29 June '07, p.14

p Ga. Smith ". . . If the railroads continue the policy of appealing to the courts when the commission acts, the state must resist these suits with just as much force and power as the railroad companies bring to their support. It is utterly impossible for the Attorney General to meet alone the swarm of lawyers and hosts of witnesses that will be brought forward by the transportation companies and public service companies when litigation is precipitated. We must give to the Attorney General and counsel associated with him every possible aid. We must, if necessary, employ experts to meet the railroad experts. I believe it to be part of the duty of the Governor to render all possible assistance in supporting decisions of the commission. . . ."

29 June '07, p.14-15

q Id. Gooding. "I wish to earnestly recommend the enactment of a law creating a railroad and transportation commission in this state. . . . Great care should be taken in defining the duties and powers of the Railroad Commission. I feel that it should be given power to fix the absolute rate to be charged for specific freight hauls. . . . The rates for freights and fares, and other common carrier charges, when fixed by the commission, should be made immediately operative, and remain in force until such time as the commission shall otherwise order, or if an appeal to the courts is taken, the courts shall determine otherwise.

Authority should be vested in the commission to require railroad companies, upon reasonable notice, to furnish all the cars requisite to accommodate shippers, and a provision should be made whereby demurrage charges for cars ordered should be reciprocal. . . .

Reasonably adequate train service on all railway lines, and public service from all other common carriers should be within the authority of the commission to compel—this demand including the minimum number of trains that shall run at convenient hours for the traveling public, and reasonable connection with the service of other lines; to provide proper station accommodations and telegraph service; to require the use of automatic couplers, air brakes and other safety devices for the protection of the railway employees, with penalties for noncompliance with this order; to make and enforce reasonable regulations for the protection of private property, and the proper drainage of land affected by railroad construction.

The commission should be clothed with power to enforce entire publicity. . . . Publicity should extend to complete itemized statements of all matters connected with the finances of the railway business. . . . The commission should have authority not only to inspect the railway companies' books, but this authority should extend to compelling the use of a uniform system of accounts. . . .

I desire to recommend to the Legislature the creation of an appointive commission, whose terms of office should be six years, one of the commission retiring every two years, his successor to be appointed by the executive, in whom the power of removal at any time should be vested. . . .” 8 Jan. '07, p.29-33

r III. Deneen. “. . . Among other changes in the law which may be of advantage, I may mention the following:

An amendment authorizing the Railroad and Warehouse Commission to prescribe a uniform system of accounting.

Amendments enlarging the powers of the commission as to railroad crossings. The present law imposes the entire cost of the construction and maintenance of such crossings upon the new intersecting road. The law is also defective in conferring jurisdiction upon the Railroad and Warehouse Commission only in those cases where the companies operating the intersecting railroads can not settle between themselves the questions arising as to proposed crossings. It is manifest that the public is deeply interested in the just and proper settlement of such questions, and the jurisdiction of the commission representing the public's interests should not be made dependent upon a contingency within the control of the private parties to the controversy.

No steam railroad should be permitted to cross the main tracks of another like company, nor should any electric railway be permitted to cross the tracks of a steam railway, without permission of the commission, and the commission should be authorized to make such orders, rules and regulations for the protection of all persons from injury at such crossings as it may deem necessary, apportioning the cost and expense of maintenance of such crossings between the two roads as it may deem just and reasonable.

RAILWAYS

1967

Some measure should be enacted by the Legislature in reference to the practice of increasing the capital stock and bonded and other indebtedness of railroads without regard to the actual value of the road. . . .”

9 Jan. '07, p.35-36

- **Ind. Hanly.** “. . . The law should be strengthened in many particulars, giving the [Railroad] Commission additional powers in cases of railroad and interurban crossings, interlocking switches, physical defects of ways and means, the requirement of safety appliances in intrastate traffic, the removal of blockades upon proper notice by orders concerning rates, routes of shipment and the movement of traffic.

The provisions of the law authorizing an appeal from the finding of the commission to the Appellate Court should be amended by substituting a provision for the bringing of suit in some nisi prius court by any person aggrieved by the action of the commission, with the right of appeal from the decision of such court. Provision should also be made for the institution by the commission of suits in its own name for the enforcement of the law whenever the public welfare shall require. . . .”

10 Jan. '07, p.25-27

- t **Mass. Guild.** “The development of the transportation facilities of the commonwealth demands your serious consideration. The increase of freight traffic on Massachusetts steam roads has been so swift as actually to embarrass the facilities of existing railroads, even with increased rolling stock and locomotives. There does not seem to have been trackage enough nor rolling stock enough nor power enough provided by these public service corporations to handle our swiftly increasing business. Corporations deserve fair play as well as individuals; and it can not be honestly said that the present highly unsatisfactory service in certain directions is wholly due to corporations and their management. It is notoriously difficult, for example, to get locomotives built fast enough to keep up with the demand. These facts, however, do not absolve us from hunting down causes of poor passenger service and freight congestion, and seeking a remedy. The results of the investigations by the Railroad Commission will shortly be open to you. The railroads themselves have it in their power materially to relieve congestion, and in cases where they have shown no disposition to exert such power, they should be compelled to do so.”

3 Jan. '07, p.21-22

- **Mo. Folk.** “. . . The laws regulating railroads have not given the relief from conditions complained of as they should have done had they been effectually carried out. The Railroad Commissioners should be charged with the duty of enforcing all the laws applicable to railroads, and their orders should be in force until overruled by courts of competent jurisdiction. So as to the laws relating to any special interest where violation entails a public rather than a private injury. . . .”

2 Jan. '07, p.27

1267

- v** **Neb.** Mickey. “. . . It will be necessary for your honorable body to define in detail the duties of this [Railway] Commission and to confer upon it ample authority to effectively deal with the subjects which will come before it. You are to fix salaries of the members and make provision of such clerical help as may be needed, presumably one secretary to the board. You should make it certain by legislative requirement that the person selected for the important position of secretary shall have had practical experience in connection with railroad management and rate making, able to meet the railroad officials upon their own ground and thus be capable of rendering the more valuable assistance to the board. . . The remedy of national legislation is being vigorously applied and it remains for the several states to be equally active. I favor such legal restraint as will operate against discrimination and will guarantee equal privileges to all. Now that the people have established a railroad commission and have authorized you to clothe it with ample power, marked improvement along these lines is confidently expected.” 3 Jan. '07, p.10-11
- w** **Or.** Chamberlain. “. . . I earnestly recommend the passage of a law creating a railroad commission, to be appointed by the Executive and subject to removal by him for failure to properly discharge its duties, with ample powers to carry out the purpose of its creation. In this connection I commend to your consideration a bill prepared by the transportation committee of the Chamber of Commerce of Portland. . .” 16 Jan. '07, p.16-19
- x** **Pa.** Stuart. “Another important question which confronts the Legislature is the propriety or necessity of creating a state railway commission. . .” 15 Jan. '07, p.7
- y** **S. C.** Ansel. “. . . I . . . recommend that such additional powers be given to the Railroad Commissioners as will enable them to compel the railroads to comply with such reasonable rules and orders as may be just and proper. In this connection, I would recommend that the act now of force, requiring the salaries of the Railroad Commissioners to be paid by the railroads, be repealed. The office of railroad commissioner is a state office and the salary ought to be paid by the state.” 15 Jan. '07, p.8
- z** **Vt.** Bell. “The Railroad Commission must be given more power if its work is to be made effective and of the greatest value to the state.” 4 Oct. '06, p.11
- za** **W. Va.** Dawson. “There can not be any doubt about the necessity of the creation of a commission to supervise the operation of railroads. . . We need a commission with ample power to investigate all phases of the subject, and all complaints of shippers and the public generally, and clothed with power after such investigation and hearing as is proper to be given, to provide the remedy, including the fixing of maximum rates. Railroads should be given the right of appeal to the courts, and of a speedy hearing on such appeal, but the decision of the commission should

RAILWAYS

1267

stand until reversed by the judiciary. The commission should consist of three men, one a lawyer, one a railroad man of experience, and one a business man. They should be of the best talent that the state can engage; and to this end it is necessary to provide proper compensation. . . .”

8 Jan. '07, p.34-35

zb **W.Va.** Dawson. “Our corporation laws concerning the incorporation and regulation of railroads ought to be amended so as to make it more difficult to take out a charter for the building of a railroad. Now it is very easy to get a charter. . . . Sometimes these charters are taken out and companies formed for the purpose of securing valuable routes, with no intention of building themselves, but with the sole purpose of holding up other companies or persons who do intend to build.”

8 Jan. '07, p.37

zc **Wis.** Davidson. “The work accomplished by the State Railway Commission during the brief period of one and one half years since its creation pursuant to chapter 362 of the laws of 1905, more than justifies the long struggle for its establishment I respectfully recommend to your honorable body that this law be so amended as to extend to the commission jurisdiction over all transportation companies of the state, regardless of the location of their lines with respect to municipal limits, or the character of their service.”

10 Jan. '07, p.13-15

1268

Corporate organization and power

See 1267

1272

Consolidation, sale, lease

a **Mass.** Guild. “The consolidation of corporations becomes dangerous not only in itself but in its consequences whenever the managers of private capital intrusted with a public service so abuse that trust as to excite agitation for the seizure and operation of private properties by commonwealth or nation. . . . I believe that this session should not close in silence on this question. . . .” [Consolidation of Boston & Maine with N. Y., N. H., & H. Railroad]

5 June '07

b **U.S.** Roosevelt. “. . . It is unfortunate that our present laws should forbid all combinations, instead of sharply discriminating between those combinations which do good and those combinations which do evil. Rebates, for instance, are as often due to the pressure of big shippers . . . as to the initiative of big railroads. Often railroads would like to combine for the purpose of preventing a big shipper from maintaining improper advantages at the expense of small shippers and of the general public. Such a combination, instead of being forbidden by law, should be favored. In other words, it should be permitted to railroads to make agreements, provided these agreements were sanctioned by the Interstate Commerce Commission and were published. . . . I recommend that you give careful and early consideration to this subject. . . .”

3 Dec. '06, p.21-22

1279

Stocks, bonds, mortgages

- a Fla. Broward. Recommends law regulating issue of stocks and bonds. 2 Apr. '07, p.23
- b Mich. Warner. ". . . The Commissioner of Railroads . . . recommends legislation that will make the issuance of all railroad stocks and bonds subject to the scrutiny and approval of state authority for the purpose of preventing any manipulation that will have a tendency to interfere with the proper and successful operation and upbuilding of a road. In this recommendation I heartily concur." 3 Jan. '07, p.21
- c Wis. Davidson. ". . . I . . . recommend the enactment of a law providing that the issue of stocks and bonds, or other evidences of debt to be secured by a lien or mortgage upon the property or franchise of any transportation corporation organized under the laws of this state, shall be subject to the supervision and control of the State Railway Commission, and that any additional stocks or bonds so issued shall not be sold for less than the market value when the market value exceeds the par value." 10 Jan. '07, p.15-18

1280

Public ownership and aid

1281

State railways and ownership of stock

- a Ga. Smith. "The platform adopted at Macon calls attention to the fact that the act under which the Western & Atlantic Railroad was built contemplated its ultimate extension to the sea. It also declares that the time has now arrived for the General Assembly to seriously consider, the question of making the extension. I commend this suggestion to your careful consideration. I believe the ownership of the state road to be a thing of great value to the people of Georgia, not only on account of its capacity to produce an income, but on account of the influence it may have upon the future regulation of transportation questions. If it can be extended to the sea at one or more points, I have no doubt the investment would be profitable, and its value to the people as a whole greatly increased. I trust that you may be able to present a satisfactory plan for the completion of the road." 29 June '07, p.16

1286

Supervision and regulation

See 1267

1288

Construction

1289

Branch roads. Side tracks

- a W. Va. Dawson ". . . In addition to these laws they [Railroad Commission] ought to have authority to compel railroads to make connection with switches of any plant, factory, mill or mine established along their lines which can show a sufficient amount of business to justify it." 8 Jan. '07, p.36

RAILWAYS

1295 Location. Right of way

1299 *Joint use*

- a W. Va. Dawson. "They should be required to make connections with other railroads and interchange cars and freight upon fair and reasonable terms. In any place where by reason of a narrow gorge or other natural obstruction there can be but one line of railroad built, and it is necessary that other railroads get through such gorge or beyond such obstruction, the track laid through such gorge should be subject to the use of all other railroads, upon such fair terms and conditions as may be agreed upon, or may be prescribed by the commission. . ."

8 Jan. '07, p.36

1301 Traffic regulations

1308 *Train service*

- a N. C. Glenn. "I recommend that some law be passed remedying the loss of time that the public suffers waiting for delayed trains. Several plans have been suggested; one, to require railroads when their connections are an hour or more late, to run a special train; another, to require them on all their roads to run a local, without regard to connections, arriving and leaving on its own time; and still another, to require the railroad to at once bulletin its train, if late, giving reason for delay, and when it is expected, and then allow 30 minutes' margin after the announced expected arrival, and after this to heavily penalize them for every 30 minutes' delay; the penalties to go to the school fund. There may be other suggested remedies better than any of the above, but something should be done to remedy the fearful loss of time caused by waiting at stations."

9 Jan. '07, p.9

1311 TRAIN BULLETINS

- a Fla. Broward. ". . . In every town along the route of any railroad of 1500 population, where the station is situated away from the business center of such town, the railroad should be required to post in some public place in such town, as well as at the depot, the time of arrival and departure of its trains from its stations at least one hour before its schedule time, and if such train is running behind its schedule, how late it is. . ."

2 Apr. '07, p.19-20

1312 Transfer facilities. Connections

- a S. D. Crawford. ". . . As the law stands, it is impossible to compel intersecting railways to put in connecting tracks. . . The state of Minnesota has a connecting track law which has been sustained by the Supreme Court of the United States. I refer to section 3 of chapter 91 of the general laws of the state of Minnesota, sustained by the decision of the Supreme Court of Minnesota in 74 N. W. 893, and by the United States Supreme

Court in 179 U. S. 288. I recommend that you enact the Minnesota law as the law of this state. The Constitution declares that railways are public highways and that each railway company shall have the right to intersect, connect with or cross any other railroad, and that railway companies shall receive and transport the tonnage and cars loaded or empty of the other, without delay or discrimination. The enactment of such a law is necessary to make effective to the people the above constitutional provisions." 8 Jan. '07, p. 29-33

1313 Public safety, comfort and order

1314 Safety regulations

See also 1128, Boilers and engineers

a Mon. Toole. "For the safety of the public and of railway employees it is believed that a law should be passed, limiting the hours of labor of railway employees engaged in the operation of trains in this state and providing for frequent and thorough inspection of locomotive engine boilers. I do not think it practicable, however, to put this inspection under the jurisdiction of the State Boiler Inspector; but such duty should be enjoined on the part of railroad companies, and a failure to scrupulously observe this requirement should be penalized by appropriate legislation." 8 Jan. '07. p.11

b N. C. Glenn. ". . . When the Corporation Commission points out to a railroad that its roadbed or equipment is defective and unsafe, and the railroad authorities for an unreasonable time neglect or refuse to remedy the defects, the superintendent and other officers of said road having supervision of the defective roadbed or equipment, shall be guilty of criminal carelessness and liable to indictment." 9 Jan. '07. p.10

1315 Accidents. Liability

See also 2125, Employers liability

a Fla. Broward. ". . . You should pass such statutes as will make it mandatory upon the nearest justice of the peace, acting as coroner, to proceed immediately to where any person has been killed in any accident or train wreck, and to hold an inquest and ascertain the cause of such accident, and who is to blame therefor. I also renew my recommendation that the Railroad Commission be authorized and required to investigate, through its engineer, the cause of all railroad accidents resulting in the death or injury of any persons, and that such report be filed in the office of the Railroad Commission, and that the Railroad Commission be authorized to ascertain by such investigation as may be necessary the safest and most approved switching device for use on the railroads in this state, and that they be empowered to require its adoption by the railroads operated in this state, and that the

RAILWAYS

1315

Railroad Company be required to report immediately all railroad accidents causing loss of life or injury to persons or damage to property on their lines, showing number of persons killed and injured, and amount of property destroyed, and also report cause of such wreck or accident." 2 Apr. '07, p.20-21

b N. C. Glenn. ". . . Persons, therefore, who walk on [railroad] tracks, except at regular crossings, should do so at their own risk. . . ." 9 Jan. '07, p.10

c N. D. Burke. "I recommend the enactment of a law requiring railroads to keep the roadbeds in safe condition, and providing severe penalties for its violation. We have had a great many wrecks this last fall, reported to be caused by spreading rails. . . If a railroad company allows its roadbed to become in such a condition that the ties are rotten, someone is guilty of gross criminal negligence; and if, on account of such negligence, a life is lost, someone should be guilty of manslaughter and should be punished accordingly. . . ." 9 Jan. '07, p.8

d W. Va. Dawson. ". . . Many deaths occur from persons walking on the tracks of railroads. . . If the railroad tracks were all inclosed and proper safeguards made at crossings, and footwalks for pedestrians placed on bridges and high trestles, then it would be proper to prohibit trespassing on railroad tracks except at crossings." 8 Jan. '07, p.34

1317

Crossings

1319

HIGHWAY CROSSING

a Vt. Proctor. ". . . The time has come when Vermont should recognize this great and increasing danger to her people and provide for the gradual compulsory abolishment of these grade crossings. . . There should continue to be, as at present, a provision for a fair division of the expense between the railroad company and the town or city in which the crossing is located. The state, as is so generally done elsewhere, may well contribute something, to be carefully limited by law, to this improvement of our highways and to the greater safety of our people. The number of crossings to be removed in any year should be specifically limited. Instead of the limitation under the present permissive system, contained in Vt. Stat. § 3842, to the removal of not more than one a year in any one county on any one railroad, I suggest that a more reasonable basis for the railroads themselves and for all concerned would be a limitation based upon the mileage of the railroad. . . ." 4 Oct. '06, p.26-28

1320(5)

Employees

Regulations in interest of *public* safety; for safety of employees *see* 2080

a Fla. Broward. "I would further recommend that no person less than 18 years of age be permitted to perform the duties of train dispatcher or railroad telegraph operator upon whose messages trains are dispatched or handled." 2 Apr. '07, p.20

1320(5

- b** N. C. Glenn. "To insure greater safety to the traveling public, I urge most earnestly . . . that a limit be set to the hours of service performed by a railroad employee; for it is needless to expect a train dispatcher, switchman, engineer, flagman, etc., to perform good service, be always on the alert and be able to guard against accidents, when he is worn out by many hours of strain and arduous work, and unable to take needed rest. . . ."

9 Jan. '07, p.9-10

- c** Wash. Mead. ". . . Where employees are overworked and their senses benumbed by loss of sleep they are incompetent to be intrusted with the safety of human lives. It is asserted, too, that the shortage of cars and delay in train service are due in no small measure to loading the trains with excessive tonnage, causing slow running time and long hours of labor. A law regulating the hours of service, therefore, would solve other problems than that of lessening the casualties of travel. Only efficient and experienced men should be employed in this service. Official inspection, with authority to correct abuses, of car and engine equipment, tracks, bridges and crossings would tend to protect the lives of travelers and of those employed in the service."

14 Jan. '07, p.27

1328

Public comfort regulations

For labor on railways *see* 2040, Labor

1329

Cars

- a** Fla. Broward. "The State Board of Health should be empowered to prescribe such rules and regulations for the fumigation and disinfection of sleeping and other passenger cars, and of sleeping and living apartments on boats or other means of passenger traffic, as medical science and the welfare of the public demand."

2 Apr. '07, p.34

1337

Street railways

See also 500, Corporations; 811, 845, Taxation; 2040, Labor

- a** Ct. Woodruff. Special message recommending uniform provisions as to powers of street railway corporations, particularly as to exercise of right of eminent domain. 11 June '07
- b** Mich. Warner. "The extension of electric railway lines throughout the state emphasizes the desirability of enacting a law exacting official reports from electric railway companies and placing them under the supervision of the Commissioner of Railroads. . . ."
- 3 Jan. '07, p.22
- c** Wis. Davidson. Recommends that jurisdiction of Railway Commission be extended "over all transportation companies of the state, regardless of the location of their lines with respect to municipal limits."
- 10 Jan. '07, p.15

TRANSPORTATION AND COMMUNICATION

1339 Corporate organization and powers

See 1337

1345 *Mail. Express. Light freight*

- a Pa. Stuart. "I most earnestly recommend the enactment of legislation to confer upon trolley companies, under proper supervision and control, the right to carry freight. The early passage of a bill to this effect is most desirable. Such a law will enable the farmer to market his products more cheaply, and will enhance the value of countless farms through reduced expenses and increased facilities. . . ." 15 Jan. '07, p.6

General supervision, *see* 1337

1359 *Location. Right of way*

1361 EMINENT DOMAIN

- a Pa. Stuart. "A kindred subject is that of conferring upon trolley companies the power of eminent domain. . . . If by this means it is made more practicable for future trolley lines to avoid the public highway and build over private property, a double purpose will be served. It will protect and maintain free roads for the unrestricted use of the public, while making travel on such roads safer for the driving community. This subject is submitted for the thoughtful consideration of the Legislature." 15 Jan. '07, p.6-7

1378 Express

See also 500, Corporations; 841, 845, Taxation; 1345, Street railways

- a Ia. Cummins. ". . . I have long believed that both express companies and telegraph companies should be brought within the jurisdiction of the Railroad Commission, and that the commission should be given the same authority to prescribe rates for telegraphic messages and for the carrying of express matter, and to supervise the management of telegraph and express companies, that it now has with respect to railroads. I commend this subject to you as one well worthy of your attention." 14 Jan. '07, p.25-26

1384 Canals

- a Ill. Deneen. Continuance of the Internal Improvement Commission. 9 Jan. '07, p.31-32
- b Ill. Deneen. "Legislation will . . . be necessary to provide for the enlargement of the corporate powers of the Sanitary District of Chicago, to provide for the navigation of the channels created by said district, and to confer upon the district the powers necessary to render available the power arising from the water passing through such channels; also to authorize the Sanitary District and the Canal Commissioners to negotiate terms and conditions upon

which the Sanitary District may, from time to time, acquire the rights of the state in the waterway and other property of the Illinois and Michigan canal, until the Illinois and Michigan canal shall be discontinued or merged in the proposed deep waterway. I further recommend, in aid of the construction of the proposed deep waterway, that the state so legislate that part of the revenue secured from the sale of water power, shall be made to contribute to its construction. . . . From all the matters presented in the report of the [Internal Improvement] Commission, it appears that it is desirable that this state shall so legislate as to remove the objections which have been urged against the construction of this route by the United States. To this end I have delayed presenting this report until I could bring the authorities of the Illinois and Michigan canal, the Illinois Internal Improvement Commission and the Sanitary District of Chicago into harmony. . . . I have been deeply impressed with the idea that it is necessary that this state define its position clearly, and that these several agencies be brought into harmonious relations, before we can hope to enlist the cooperation of the federal government. I, therefore, invite the earnest attention of the General Assembly to the entire subject-matter of this extensive and valuable report, and to the bills above referred to, in the belief that there should be some positive and affirmative legislation upon this subject by the present General Assembly. The work of the commission has dealt broadly with the advantages to our state of the extension of our internal water system, and its report makes a clear and convincing presentation of those advantages. The scheme has been worked out as fully as the appropriation made by the last General Assembly would permit. The work of the commission, however, is far from complete, and I believe it will be of great advantage to the state in this important matter if its labors are continued, in order that a final report may be prepared on the lakes and gulf waterway. . . ." 10 Apr. '07. p.1-4

c N. Y. Hughes. ". . . I repeat the recommendation made in the Governor's message last year, that the present method of appraising the land acquired for the purpose [barge canal] is unnecessarily expensive, and without reflecting upon the present appraisers, it is clear that both economy and efficiency would be promoted by committing the matter of appraisal and the making of agreements for the acquisition of property or property rights, or for the settlement of damages, to the Superintendent of Public Works, subject to the approval of the Canal Board. It appears that the amount expended on account of the Board of Examiners and Appraisers to December 1, 1906, was \$66,829.86, while the total claims negotiated to the point of settlement up to that date amounted to only \$205,132.78." 2 Jan. '07. p.7-8

d N. Y. Hughes. "Your attention is also directed to the advisability of making suitable provision in a more careful manner

TRANSPORTATION AND COMMUNICATION

than is provided by existing law for the disposition of surplus waters or water power created or developed in connection with canal improvement." 2 Jan. '07, p.8

1393

Bridges. Tunnels

See also 2700

- a Wash. Mead. Abolition of toll bridges. 14 Jan. '07, p.33-34

1411

Telegraph and telephone

See also 500, Corporations; 841, 845, Taxation; 2040, Labor

- a Kan. Hoch. "I wish to renew my recommendation of two years ago in reference to placing the telegraph and telephone companies and all transportation lines operated by electricity under the control of the Board of Railroad Commissioners."

8 Jan. '07, p.5

1414

Supervision

- a Mass. Guild. Suggests for consideration increased powers of supervision over telephones and telegraphs. 3 Jan. '07, p.17

- b Neb. Sheldon. "The use of the telephone as a means of communication is becoming general in Nebraska. There are complaints in many parts of the state of unreasonably high rates and poor service. It is therefore recommended that the Railroad Commission, in addition to control of railroads, be also authorized by law to control telephone companies and regulate the rates thereof."

3 Jan. '07, p.42

1421

Transmission and delivery. Secrecy

- a Tex. Campbell. "It seems that great inconvenience and much annoyance has been occasioned the people in some quarters by the failure of telephone and telegraph companies to make suitable connections at common points for the transmission of each other's messages. This policy on the part of the companies often results from indifference to the public requirements and is often the result of a desire on the part of the stronger line to make the business of the smaller line unprofitable, dissatisfy and frighten its owners and promoters, then by purchase, often at its own price, absorb and consolidate it with their own. This rife spirit of corporate consolidation and unnatural monopoly should in my opinion be dealt with in an effective way. The practice of consolidating public service corporations, or corporate wealth in any form, should be stopped. With due regard for the convenience and accommodation of the public, as well as the rights of these companies, suitable and adequate legislation requiring the companies under appropriate penalties to make such connections and transmit each other's messages is demanded by the platform and is recommended."

16 Jan. '07, p.11

1421

- b **Tex.** Campbell. Recommendation that telephone and telegraph companies be required to transmit each other's messages and make necessary connections therefor reiterated. 16 Apr. '07, p.5

1422

Commerce and industry (general)

- a **Mass.** Guild. ". . . The crying evil in Massachusetts is lack of sufficient trackage on trunk lines to handle through freights and to provide for even more shipments when we do or can get such shipments. The failure to build such tracks, the lack of interest of investors in providing the means for such facilities, is a basic fact in the present unsatisfactory condition of transportation in Massachusetts. . . We are spending money freely and wisely in the metropolitan district in developing certain river fronts as parks. Why not spend a little in developing river banks and waste land on tide water for manufacturing purposes? May we not create opportunities for mills built on sea water, that fuel and material may be hoisted direct from the coal barge and the steamer or at least from the lighter into the mill? The saving thus effected in transportation would mean the difference between loss and high profit. The encouragement by development of water powers or otherwise of the smaller industries, the development of the small shop requiring but a modest investment but high industrial skill, is also worthy of examination. . . I recommend the authorization of an unpaid commission on commerce and industry, representing law, transportation, manufacturers, capital and labor. . . It should not be restricted in scope, but should be authorized to extend its study to any line of investigation bearing upon the future of the industries of the commonwealth of Massachusetts. . ."

12 Apr. '07

1425

Weights and measures

1426

Sealers. Public scales. Standards

- a **W. Va.** Dawson. "We seem to have no sealer of weights and measures in this state. The Adjutant General was formerly ex officio this officer; but in the enactment of the military code and the consequent repeal of the old law, this feature seemed to have been overlooked and the office abolished. I suggest that the State Bank Examiner be made ex officio sealer of weights and measures. He and his assistant are required, in the discharge of their official duties, to visit many sections of the state during the year for the examination of banks, and at the same time they could perform the duties of a sealer with but very little additional expense. The additional expense put upon the state for this work could be covered by the charging of a small fee, collected by the sealer, and paid into the state treasury. My attention was called to this subject by a communication from the director of the Bureau of

COMMERCE AND INDUSTRY

Standards of the department of weights and measures of the federal government. This communication asked me as Governor to cooperate with that bureau and with the sealers of weights and measures of other states, to improve the conditions affecting commercial weights and measures. The director said in his letter to me that 'it is evident from the number of convictions for the use of dishonest weights and measures in localities where rigid inspection is maintained, that the amount of fraud in states and cities where there is no inspector, or inefficient inspection, must be enormous, and unfortunately the loss falls upon those too poor or unfortunate to protect themselves.' " 8 Jan. '07, p.92-93

1464 **Adulteration and imitation. Branding. Inspection**

See also 956, Adulterations liable to affect public health

1466 **Adulteration. Inspection**

1472 *Commercial feed for stock*

- a Ia. Cummins. Recommends extension of pure food law to live stock foods. 14 Jan. '07, p.16

1505 **Associations. Exchanges. Speculation**

1506 **Boards of trade. Exchanges**

- a W. Va. Dawson. "The State Board of Trade [of Ohio], organized less than three years ago . . . has initiated and brought to a successful conclusion a number of the best laws on the statute books of that state. It has interested itself especially in the fundamental question of taxation, and generally in all other problems connected with the body politic and pressing for solution. The benefit of such an organization to this state can not well be estimated. Such an organization, of course, must have funds to carry on its work, and I think the work is so important that it ought not to depend upon the chance of voluntary contributions alone. I therefore heartily recommend that an appropriation be made to further the work of the board, sufficient at least to pay the salary of a secretary. . ." 8 Jan. '07, p.72-73

1507 **Speculation. Bucket shops**

See also 883, Gambling

- a Ala. Jelks. "One of the crying evils of the day is the gambling done through what are known as bucket shops. I am sure you will agree with me that they ought to have no legal existence in Alabama." 8 Jan. '07, p.29
- b Ala. Comer. "I recommend the abolition and extermination of bucket shops and every other form of gambling in the state of Alabama." 15 Jan. '07, p.24

1507

- c **Ark.** Little. "Bucket shops . . . should be suppressed by effective penal legislation." 18 Jan. '07, p.16
- d **Fla.** Broward. ". . . You should pass a statute making the maintaining of a bucket shop a felony, punishing every one furnishing in any way by telegraph, telephone, private leased wires, or otherwise, any information whereby the bucket shop is maintained, operated or carried on. Owners of buildings should be prevented from leasing their property to any bucket shop, and the owner of any building where one is maintained should be punished as a principal. . . ." 2 Apr. '07, p.58
- e **Mass.** Guild. "Closely allied to banking is the exchange of financial securities. I commend to your attention the abolition of the so called bucket shop, or, in other words, of the misuse of market quotations as a basis for public gambling. Any statute on this subject needs to be framed with conservatism and care. Means can, however, and should at once be found, as means have been found in other states, to discriminate between legitimate and honorable trading in securities and a form of mere gambling whose existence is a fruitful source of embezzlement and larceny. . . ." 3 Jan. '07, p.26-27
- f **Mo.** Folk. "One of the most vicious forms of gambling is the 'bucket shop,' where wagers are made upon the rise and fall of the stock or grain markets. These wagers usually assume the form of a sale or purchase, but in reality there is no sale or purchase. The injury that these places do is great. The present statute on this evil is inadequate, as under the definition given in the statute it is extremely difficult to establish by legal proof the existence of a 'bucket shop,' and the penalty is only a light fine. I recommend the enactment of a rigid law to suppress these places. Other methods of gambling have been made felonies, and the setting up of a bucket shop should be a felony. All employees of telegraph company officials or operators knowingly aiding in maintaining a bucket shop should be punishable as principals." 2 Jan. '07, p.10
- g **S. C.** Ansel. "Another matter that I desire to bring to your attention is the enactment of a law preventing the operation of what are known as 'bucket shops,' or cotton or stock exchanges. . . ." 15 Jan. '07, p.6-
- h **Tex.** Campbell. ". . . The buying and selling of wheat, bacon, cotton, corn or other commodity, stock, bond or other security, when neither the seller nor the buyer expects delivery, is not entitled to be dignified with the term speculation, it is gambling, pure and simple, begets the gambling spirit, and is more hurtful to legitimate business enterprises, and a matter of a serious concern to society as all the gambling houses in the country. Effective laws prohibiting such transactions, with suitable penalties, should be enacted without delay, and I so recommend." 16 Jan. '07, p.2.

1508

Warehouses. Markets

1515

Grain warehouses and inspection

- a S. D. Elrod. ". . . It has come to me that warehouse men and grain dealers buy and ship our grain on unreasonably large margins. To illustrate: At a station in this state where the freight rate is 7 cents per bushel, the margin that the dealers buy on by agreement, perhaps, is 18 cents per bushel, leaving the dealer a clear profit of 11 cents on every bushel of grain he handles. Such practices as these are outrageous and demand your attention. Warehouses being under your control, it is clear to me that you can by law correct such abuses." 8 Jan. '07, p.43

1532

Regulation and licensing of trades and occupations

- a U. Cutler. ". . . I would recommend that the law be so amended as to give to the town or city the right to license agents of corporations only when it is established that they have not been licensed by the state. . ." 15 Jan. '07, p.10-11

1540

Barbers

- a U. Cutler. ". . . I recommend that the present barber law be amended so as to make it an offense punishable by fine or imprisonment or both for a person knowing himself to be afflicted with any disease likely to be disseminated from a barber shop, to apply for service in any shop in the state. For the proper enforcement of such an enactment I would respectfully suggest that each shop be required to display in a conspicuous place a placard stating that no person afflicted with any of the diseases specified in the act will be served; and that if such person asks for service and receives it, it shall be at his own risk, if the barber is not advised of his condition. It would seem advisable also that the law shall provide for the punishment of the proprietor or foreman of any shop where such a person is knowingly served. It is suggested that you amend the law so as to make it operative throughout the state, and applicable to all barbers."

15 Jan. '07, p.34-35

1543

Coal and coke dealers

- a S. D. Elrod. "September 27, 1906, the railroads operating in South Dakota gave public notice, as required by the interstate commerce law, of a contemplated reduction of approximately 20% in the rates for hauling coal from all sources of supply for the different lines. My advices are that not to exceed one dealer out of three has given the consumers, the people of this state, any part of this reduction. These dealers are licensed by this state and are therefore under your control and it is plainly your duty to come to the relief of the people in this important matter that reaches every home." 8 Jan. '07, p.42

Embalming and undertaking, *see* 1051

Law, *see* 591

Medicine, *see* 944

1575 **Nurses**

- a Ga. Terrell. "There will be presented to you a measure providing for a state board for the examination of trained nurses. It is the policy of our state to have such boards for every profession. . . ." 26 June '07, p.23

1590 **Miscellaneous trade regulations**

1593 **Discrimination**

See also 589, Combinations and monopolies; 1204, Transportation and communication; 1742, Insurance

- a Mass. Guild. ". . . The regulation of railroads naturally suggests other regulation. The agitation of years has at last culminated in a national law for the regulation of freight rates on merchandise affected by interstate commerce. It is the business of the state to see to it in other respects that unjust discrimination does not prevail within its own borders. I commend to your study the laws of other states against unfair local discrimination against certain sections in the retail prices charged by great corporations for commodities in general use." 3 Jan. '07, p.22-24

1596 **Legal holidays. Public holidays**

- a Me. Cobb. "The present manner of observing Fast day contains so little of the sentiment and traditions of its early consecration, that it seems almost a mockery to publicly ask for its recognition and then see its original spirit so universally perverted and ignored. I believe that our people generally would not approve a lessened number of holidays, and that we have none too many legalized now and devoted by common consent to recreation and pleasure. But unless the name of this particular holiday be changed so that the expected manner of its observance shall bear some reasonable relation to its avowed purpose, I recommend that it be abolished." 3 Jan. '07, p.12

1598 **Arbor and bird day**

- a Mon. Toole. ". . . The time as now fixed by law for Arbor day is the second Tuesday in May. Experience has demonstrated that this is too late for tree planting in Montana. I suggest, therefore, that the date be changed to the third Tuesday in April." 8 Jan. '07, p.38

COMMERCE AND INDUSTRY

1630

Encouragement of industries

1662

Expositions

International Mining Exposition

- a N.M. Hagerman. "The territory has been invited to take part in an international mining exposition, which will be held in the city of New York early in 1908, under the auspices of the International Mining Exposition Company. . . Whether or not you may deem it advisable, after inquiry, to make any appropriation for this exposition, I believe it would be wise to authorize the Governor to appoint a commission of one or two persons to promote the interest and secure private exhibits for this exposition, from New Mexico." 21 Jan. '07, p.51-52
- b U. Cutler. Recommendation for provision for exhibit at the International Mining Exposition, New York, 1908. 14 Mar. '07

Jamestown Exposition

- c Cal. Pardee, 7 Jan. '07, p.26-27; Col. McDonald, 3 Jan. '07, p.19; Ct. Woodruff, 22 Jan. '07, p.1-5; Del. Lea, 1 Jan. '07, p.18-19; Ia. Cummins, 1 Jan. '07, p.8; Mo. Folk, 2 Jan. '07, p.11-12; Neb. Mickey, 3 Jan. '07, p.8; N. C. Glenn, 9 Jan. '07, p.19-20; Or. Chamberlain, 16 Jan. '07, p.38-39; R. I. Higgins, 3 Jan. '07, p.19-21; S. C. Heyward, 8 Jan. '07, p.17-18; Wash. Mead, 14 Jan. '07, p.29; W. Va. Dawson, 8 Jan. '07, p.71-72.

Yukon-Pacific Exposition

- d Cal. Pardee, 7 Jan. '07, p.26-27; Cal. Gillett, 9 Jan. '07, p.7; Ia. Cummins, 14 Jan. '07, p.7-8; Or. Chamberlain, 16 Jan. '07, p.39; Wash. Mead, 14 Jan. '07, p.27-29.

1675

Resources and attractions. Immigration

- a Ala. Jelks. "Some practical plan should be put on foot looking to the attraction to Alabama of desirable immigrants. . . A bureau might be established presided over by a practical person, which bureau should be furnished with considerable means. This might be a charge on the state for only such a time as it should appear to the Governor that it is effective. The need for additional labor for all lines is very imperative. . ."
- 8 Jan. '07, p.19-20
- b Ala. Comer. "You have passed an immigration law authorizing the Governor to appoint an immigration agent and provided the means for his compensation and his duties. Soon after this bill was passed the Attorney General of the United States rendered an opinion regarding the federal laws then in execution and the one going into effect July 1, 1907. The latter regulated immi-

1675

gration and limited the same and the execution of your bill, as I think, making it practically of little avail, as after the first of July the efforts of the state would be limited to simple advertisement of the resources of the state, not allowing any direct personal inducements. . . I refer the matter back to you, either for instruction or for any modifications of the law that you may see proper, or repeal. I recommend the repeal." 9 July '07, p.5-6

- c **Del. Lea.** ". . . Every encouragement should be given to induce practical farmers and farm labor to settle in our midst; therefore, I recommend the reenactment of chapter 333, volume 22, laws of Delaware, entitled, 'An act for the encouragement of immigration, and to foster the agricultural interest of the state.'" 1 Jan. '07, p.14

- d **Fla. Broward.** "The benefit of immigration to a state like Florida is worthy of your earnest investigation. This is a subject which has been receiving much investigation and consideration throughout the South, and especially in South Carolina, where a law creating the Department of Agriculture, Commerce and Immigration has been established, and has accomplished much in the way of securing desirable foreign immigrants, both as permanent settlers and as skilled and other laborers. I recommend the careful study of the provisions of the South Carolina law, and the enactment of a similar statute adapted to our needs. I believe a statute authorizing a conservative expenditure of public money by the counties in advertising their resources and attractions for settlers, is a wise and beneficial measure, and should be passed by your body." 2 Apr. '07, p.55-56

- e **N. J. Stokes.** "New Jersey is the first state to treat immigration problems in a rational and systematic way. The commission appointed under authority of the last Legislature has made careful investigations into the condition of the immigrants who settle in our state, and has made a recommendation that they be taught something of our customs, laws and institutions, so that they may at once become familiar with their rights and privileges. . .

I earnestly recommend that this matter be carefully considered, and that some plan be devised for carrying on this suggested work, supported by an appropriation for that purpose." 8 Jan. '07, p.15-17

- f **N. M. Hagerman.** "I invite your careful consideration to the comprehensive report of the secretary of the Bureau of Immigration. . . The work of the secretary consists in the preparing, printing, publishing and distribution of books and pamphlets descriptive of the resources, conditions, climate, lands, and other phases connected with the advance and progress of the territory, for the purpose of inducing immigration and capital into New Mexico. . . The question as to whether the territory is justified in appropriating considerable sums of money to pay for the compilation and printing of publications of this nature, is one which

1675

merits your serious consideration. Since 1890 about \$60,000 has been appropriated and spent for the maintenance of this bureau . . . The boards of trade of the various cities and towns, the various county organizations, the land companies, the railroad companies and all who immediately profit by such advertising matter, are much better fitted to prepare it than a central official located at the capital, where interest in the publications can not be the same as those more intimately concerned in the results of the advertising itself. . . While I am desirous of giving full credit for the good that may have been accomplished by this bureau, I am of the opinion that the expense of its support and maintenance is not a proper one for the territory to incur, and I therefore recommend that such expense be discontinued and that the bureau be abolished." 21 Jan. '07, p.24-26

g N.C. Glenn. ". . . While the Commissioner of Agriculture is also named Commissioner of Immigration, the modification of the old law practically left no machinery for the encouragement of immigration. In view, therefore, of the growing demands from every industry (including agriculture, manufacturing, domestic service, etc.) for more efficient labor, I earnestly urge you to re-enact sections 2199 and 2200, volume II, of the Code, and for the purpose of carrying out the provisions of these sections, that the sum of \$10,000 annually, from the funds belonging to this bureau, be set aside for the purpose of aiding immigration. . . ." 9 Jan. '07, p.18-19

h N.D. Sarles. Recommends continuation of appropriation for encouragement of immigration. 9 Jan. '07, p.8

i S.C. Heyward. ". . . In view of the recent decision of Secretary Strauss, of the United States Department of Commerce and Labor, it is vitally important that no material change should be made in the act creating our department. There is but one change I would suggest, and after careful thought, consideration and investigation, I deem that a very necessary one. Section 11 of the act prevents the commissioner from taking any steps to induce some of the desirable people of Europe—people best adapted to our own conditions—most notably the North Italian and the Greek farmer—two of the most law-abiding and thriftiest immigrants that come to America. I can not too strongly urge the elimination of this section from the act, leaving the class of people to be brought to the judgment of the commissioner. . . For the proper support of this department, a minimum appropriation of not less than \$25,000 will be absolutely necessary. I need not add how sincerely I trust that this will be done. . . ." 8 Jan. '07, p.4-8

j S.C. Ansel. ". . . I . . . recommend that you take such steps as may, to you, seem wise, to foster and sustain the Department of Immigration, now accomplishing so much work on this line." 15 Jan. '07, p.9

1675

k S.D. Elrod. "This state needs an immigration commissioner. People from all parts of the country are constantly writing the executive and other officers for maps and for official statistics etc. of the state. . . I think the act creating such an office should require the commissioner to be especially careful not to send out inflammatory and exaggerated reports. The facts are good enough." 8 Jan. '07, p.6

n Wash. Mead. "To furnish information covering every part of the state, its resources and industrial development, I urge the creation of a state board of publicity, consisting of appointive officers with the State Librarian as secretary, to serve without extra compensation. This board to be allowed funds for postage supplies and clerical assistance, and given authority to obtain reports from state, county and municipal authorities. The data thus secured to be furnished without expense to all applicants particularly to each and every newspaper of the state." 14 Jan. '07, p.36-37

p Wy. Brooks. "The pamphlet commonly known as the 'State of Wyoming,' containing information concerning our resources, was issued from my office, and over 7000 copies have been distributed upon requests made by outside people for information concerning the state. This pamphlet has been quite effective in aiding and encouraging our development. I would recommend that provision be made for continuing its publication." 10 Jan. '07, p.1

1679

Banking

See also 500, Corporations; 843, Taxation of banking institutions

a Col. Buchtel. "The need of savings institutions which save calls for a sound banking law." 8 Jan. '07, p.29

b Mass. Guild. "The reorganization of the Bank Commission and the banking reform laws of 1906 leave but little to be suggested on this subject. Certain department stores have, however, found a means of evading the spirit of the law, and, under the guise of private bankers, are soliciting deposits by offering rates of interest thereon which are likely to prove tempting to small depositors of the class that habitually use the savings banks. Such depositors do not appreciate that they are in reality lending their money to merchants, at a rather low rate of interest, and that the failure of the department store would wipe their savings out of existence. I recommend the safeguarding of these small depositors against this practice. . . ." 3 Jan. '07, p.25

c Vt. Proctor. ". . . If it is desired to organize a savings bank or trust company a special charter must be sought, because there is no general law for their organization. . . There should be a general law for the organization of savings banks and trust companies permitting their voluntary organization in proper cases upon compliance with the provisions of the law and the payment of the necessary capital. So far as possible the charters

1679

of existing savings banks and trust companies should be brought into conformity to such a general law so that the rights and privileges of all savings banks and trust companies in the state would be uniform. Although it is better to allow too much competition rather than too little, the presence of too many banks in a vicinity of restricted population and business activities might really be harmful to the general interests. There should be some general restriction, therefore, or some discretion in the Inspector of Finance with respect to the granting of new charters, but such a limitation can always be best accomplished under a general rule or in the discretion of some selected officer rather than by the action of the Legislature upon each case." 4 Oct. '06, p.16-17

- d **W. Va.** Dawson. "Amendments to the banking laws should contain provisions to prohibit banks incorporated under the laws of this state from locating outside of the state for the transaction of business. The recommendation of the commissioner that he be given authority to place a bank which he finds in a bad condition in the hands of a receiver, without having to apply to a court or a judge, is proper and right. His recommendation concerning the increase of the capital stock of banks should be favorably acted upon also." 8 Jan. '07, p.25-26

1680

Inspection. Reports. Departments

- a **Ari.** Kibbey. ". . . The existing law needs amendment . . . to give the Bank Comptroller greater power for the protection of depositors in banks — the present statute affording a complicated and unsatisfactory method of dealing with such an emergency as may be presented by a bank found to be in failing circumstances." 22 Jan. '07, p.59
- b **Ark.** Little. "At present we have no adequate banking laws . . . I therefore recommend to you the importance of this subject, with the hope that such laws may be enacted as will give to the state a sound system of banking. . . This should be accomplished without expense to the state, requiring the banks to bear the burden of their own inspection and regulation." 18 Jan. '07, p.12
- c **Col.** McDonald. "One of the urgent measures for passage by this body is a state banking law, creating the office of state bank examiner, who shall have power and authority to examine all state and savings banks, building and loan associations and kindred associations, soliciting the deposits of the people. This law should be a strict one. I believe a state banking law along the lines of the national banking law would be best. . . ." 3 Jan. '07, p.14
- d **Ct.** Woodruff. "Under the existing laws our Bank Commissioners have no authority to investigate private banking institutions or any others doing banking business, except such as are chartered by the state.

From recent experiences in several sections of this state, I am lead to believe that it is quite important for the state of Connecticut to place all banking institutions of every name and nature under the laws of the state, according to the class of business which they are doing. If a trust company or any other banking corporation maintains a department of savings, that department should be kept absolutely separate from other parts of the business. In the case of savings department it should come under the law governing savings banks in regard to investments and in every other way be subject to the regulations under which such banks do business. . . .” 9 Jan. '07, p.84

- e **Ill. Deneen.** “. . . I have been informed that the Illinois Bankers Association will recommend some changes in the banking law with a view to bringing about a more rigid inspection of the banking business. I suggest that a careful examination of the remedies proposed be made to the end that every sensible rule which can be suggested, and which will tend to make deposits more secure, be enacted into law. In addition to the suggestions which are made by the Bankers Association, I recommend that the law be changed so that the federal and state examinations be made uniform in point of time. As it is, the federal examination on any given day shows the condition of the bank at the close of business; while the state examination shows the condition of the bank at the beginning of business. The examinations should be made uniform in this particular, to prevent the shifting of securities.” 9 Jan. '07, p.21-22

- f **Ind. Hanly.** “. . . The whole law relating to the examination of banks should be revised. . . .” 10 Jan. '07, p.51

- g **Mich. Warner.** “. . . I am quite within the record, I think when I say that in a majority of instances the word ‘bank’ or ‘banker’ conveys to the mind of the individual an impression of that security and protection which state supervision and examination affords. During the past two years we have witnessed conspicuous examples of the necessity for state examination of private banks. In one instance, at least, a private bank whose owners were in the forefront of the opposition to legislation proposed two years ago, survived but a few weeks after the adjournment of the Legislature and went down with a crash. There is in the proposed legislation, no invasion of legitimate private rights. It is simply and solely a measure of safety and protection in the interest of the public in the first instance, and, in my opinion, in a large measure of the private banks themselves. It seems to me that there can be no question that state supervision and examination would give these institutions an improved standing in the estimation of the public and thus increase their business and usefulness. I recommend that a proper system of state regulation and examination of private banks be provided by this Legislature. Some have suggested the Wisconsin law, which

BANKING

1680

does not permit the organization of any private banks, requiring all banks to come under the state law. It does allow banks with small capital to organize and do business in towns with a small population." 3 Jan. '07, p.12-13

h Minn. Johnson. ". . . The record of the past four years of private bank failures is made up from returns of banking and commercial agencies, and discloses that during this period there were 18 failures of private banks, with deposits approximately something like \$1,500,000. During the past biennial period there have been 43 conversions from private to state banks, which is significant as showing the growing conversion of private bankers themselves to favor banking under the state or national law. The public examiner, as a result of his experience, renews the recommendation made to the legislative committee of two years ago for the passage of an act compelling all private banks in Minnesota to incorporate and become subject to either state or national supervision. I commend his recommendation to the serious consideration of the Legislature." 9 Jan. '07, p:30

i Minn. Johnson. Asks that banks be examined at least twice a year instead of once; increased appropriation for office of public examiner. 9 Jan. '07, p.32-33

j Mo. Folk. ". . . The banking department is now a part of the Secretary of State's office. That this is not the proper place for it is conceded. The Banking Department either should be under the jurisdiction of the Department of Corporations, or a separate department. Whether this change should be made effective at once, or at the end of the term of the present Secretary of State, is for your consideration, in view of the injustice that might be done the bank inspectors appointed for a definite time. There should be strict supervision and examination of banks, and there seems to be no good reason why trust companies should not also be under the same supervision." 2 Jan. '07, p.26

k Mon. Toole. "There is no reason why private banks should not be subject to the same laws and regulations as state banks, both as to capital stock, control and methods. There are 34 private banks doing business in this state, many of them justly holding high rank as financial institutions, but in order to give to them as a whole that character and stability which the citizen has a right to demand, they ought to be subject to the same laws as state banks." 8 Jan. '07, p.25

n Nev. Sparks. Recommends appointment of bank and brokerage commissioner. 21 Jan. '07, p.20

p Or. Chamberlain. "A law should be passed at this session of the Legislature providing for the supervision, examination and regular reports of the condition of private banks, trust companies and savings banks, whether owned and controlled by private persons, firms or corporations. . . ." 16 Jan. '07, p.25-26

1680

q Pa. Stuart. “. . . I . . . recommend a thorough examination of the banking laws of the commonwealth with a view of framing a new act which will more fully protect and safeguard the deposits of our people. Such act should provide that officers and directors in financial institutions shall be held legally responsible for any of their acts in violation of law, and should fix more definitely the responsibility of all persons connected with the management of such institutions. . . I most urgently recommend that such act be framed to make compulsory the systematic examination, at frequent intervals, of all financial institutions chartered under the laws of Pennsylvania. . . The investigation recommended may lead to an entire reorganization of the Banking Department. It should be carried on with judgment and discretion, and with the view of avoiding unnecessary alarm to financial institutions or unnecessary interference with them in the proper conduct of their business. The duty of carefully investigating the condition of trust companies, chartered under the laws of this state, is a very exacting one; for not only is it necessary to ascertain whether their capital is intact, whether their loans are safe and whether the collateral securities held to protect them are of sound value, but an examination should also be made into the condition of their thousands of trusts and of the other business which they are authorized under the law to transact.”

15 Jan. '07, p.8-9

r R. I. Higgins. “. . . I . . . recommend the enactment of a law which will provide for the strictest supervision of all banks, trust companies, etc., operating under the laws of Rhode Island, and the appointment of a capable and tried man to make examinations of such banks. I believe that any officer of a bank or trust company operated under the laws of Rhode Island should be ineligible for the office of bank examiner, and that if any such examiner should become indebted to any such bank or trust company, or if he should engage or become interested in the sale of securities, negotiations of loans, etc., for others, his office should become vacant.”

3 Jan. '07, p.14-15

s Tenn. Patterson. “In addition, I recommend . . . three state bank examiners, one to be appointed from each grand division of the state, who shall be charged with the duty and have the power to examine the books and inquire into the condition of all banks chartered by the state and to make their report to the State Auditor. If necessary, these examiners should act independently or under the supervision of the Auditor, creating only one department. The compensation of the Auditor should be fixed by a law creating the office, also that of the examiners. The law should also provide that the fees for making examinations of state banks should be covered into the treasury and these would doubtless be sufficient to meet all the expenses of the department.”

7 Jan. '07, p.15-16

Recommendation renewed.

1 Apr. 07, p.5

BANKING

1680

t U. Cutler. “. . . Under the present law it is his [State Bank Examiner's] duty to examine not only the corporate state banks, but building societies, loan and trust companies, and life and fire insurance companies. From the fact that the number of banks in the state has increased with such rapidity, and the indication that this increase will be fully as rapid in the future, I would recommend that the duties of the Bank Examiner be limited to the examination of banks; that the other institutions named be placed under the supervision of some other officer; and that the contingent fund of the examiner be so adjusted as to render it possible for him to visit all the banks of the state as often as necessary, without asking the Board of Examiners for a deficit. Considering that his duties now occupy all his time, I strongly urge that the salary attached to the office be increased and made commensurate with the labor and responsibility.”

15 Jan. '07, p.33-34

■ U. Cutler. “I wish again to emphasize the advisability of enacting a law to protect depositors in private banks. If the owners of banks not incorporated under the laws of the state desire to have them exempt from examination, I believe that in all such cases the depositors should know the facts. I would therefore suggest that if a law is not passed requiring all private banks to submit to regular examination, they be at least required to display at the receiving teller's window the information that they are not subject to examination.”

15 Jan. '07, p.34

v Wash. Mead. “The last Republican state convention demanded the creation of the office of state bank examiner. I renew my recommendation in a former message that such a department be established. In addition to the public examination of state banks, such an officer should be invested with authority to examine the accounts of state and county officers and to prescribe a uniform system of public accounting.”

14 Jan. '07, p.13

w Wis. Davidson. “. . . Under the present law, banks are examined but once a year. . . I recommend that the Wisconsin law be so amended as to require semiannual examinations. . .”

10 Jan. '07, p.39-40

1683

Branches

a Wis. Davidson. “During recent years Wisconsin has had occasion to witness the establishment of many branch banks. I can not but regard this as a tendency which may some day develop disastrous consequences. . . Legislation is urgently recommended, either preventing the establishment of branch banks, or requiring an increase in capitalization by the parent bank for each branch institution opened by it.”

10 Jan. '07, p.41

1689

Foreign corporations

a Mass. Guild. “. . . Chapter 377 of the acts of 1906, relative to unauthorized banking, exempted foreign banks from its pro-

hibitions; and they are therefore permitted to do a savings bank business in this commonwealth in competition with our savings banks, without any restrictions on the investment of their savings deposits, as in the case of the Massachusetts savings banks, and without any requirement of stockholders liability, as in the case of the Massachusetts trust companies. Savings deposited with foreign banking corporations, then, are not subject to the safeguards thrown about savings deposited with Massachusetts savings banks or trust companies; and the Bank Commissioner has no power to take steps to protect depositors until it appears that the corporation is insolvent, its capital impaired or its condition hazardous. The adequate protection of savings deposited with foreign banking corporations should be one of the first acts of your honorable body." 3 Jan. '07, p.25-26

1691

Loans. Investments

- a **Minn.** Johnson. ". . . I would concur with the recommendation of the public examiner that our banking laws be so amended as to permit of the making of first mortgage loans on improved farms located within our state, equal to 25% of the capital stock and surplus of the bank, all such loans to be limited to and not to exceed 50% of the cash value thereof; provided, that no bank shall invest in that class of loans in the aggregate more than 50% of its deposits. . ." 9 Jan. '07, p.29-30

1695

Reserve. Surplus

- a **Kan.** Hoch. ". . . The one weakness which has long been recognized by all those familiar with the subject is the insufficient security to the banker, stockholder and depositor alike against the occasional panic or 'run' which periodically occurs, often without sufficient cause, but none the less disastrous on that account. How to guard against these occasional occurrences has long taxed the best minds and evolved many proposed plans. . . The proposition is a simple one, viz, that the bank shall set aside a certain specified amount from their deposits as an insurance fund to depositors. This fund is to be deposited in the state treasury until it aggregates \$1,000,000, and to become a permanent security fund. . . If this law is passed, and I trust it will be, more stringent provisions for periodical examinations of banks and protection against unsound banking methods should supplement the enactment. . ." 8 Jan. '07, p.28-30

1708

Savings banks

- a **Wis.** Davidson. ". . . There are in this state a large number of commercial banks which conduct savings departments in addition to their commercial business or as their main business,

INSURANCE

and they are authorized in specific terms to receive savings. . . . It is unfair that the savings deposited in a commercial bank should not be guarded by the same regulative statutes as apply to savings when intrusted to a mutual savings bank. I recommend legislation to correct this inconsistency. It would seem that the solution lies in the classification of deposits rather than in the classification of banks as under the law at present."

10 Jan. '07, p.40-41

1718

Building and loan associations

The names of these organizations vary somewhat, but the powers and regulations do not depend on the name. The ordinary phrase is building and loan associations, but they are elsewhere called savings and loan associations, cooperative loan associations, etc. and in Massachusetts cooperative banks

- a Cal. Pardee. ". . . In view, however, of the uneasiness in the public mind concerning [building and loan] associations, or some of them, I am of the opinion that an investigation, by some competent authority, legislative or other, into their methods, and the enactment of legislation which will correct any evils that may be found to exist, are both timely and necessary." 7 Jan. '07, p.73
- b Ct. Woodruff. "It is my belief after a careful investigation that the Building and Loan Commission should be abolished, and that the work of this department should be placed in the hands of the Bank Commissioners. There now remain in the state only 14 solvent building and loan associations. Their interests lie along the line of the Bank Commissioners' duties, and should properly be placed within the jurisdiction of the Bank Commissioners." 9 Jan. '07, p.12

1732

Insurance

See also 500, Corporations

- a Col. Buchtel. "The need of insurance which insures demands the enactment of a comprehensive and conservative insurance law." 8 Jan. '07, p.29
- b Mo. Folk. ". . . Through the action of the various state insurance commissioners of the United States, certain laws have been recommended that I commend to your consideration:
A standard policy act, for use of all life insurance companies.
An annual apportionment act, to require life insurance companies either to pay annual dividends, or credit the amount earned to the different policy holders. This act would limit the amount of surplus which the companies are permitted to retain in their treasuries.
An act prohibiting discrimination and rebating between agents and policy holders.
An act prohibiting corporations from acting as agents of life insurance companies.

1732

An act regulating the election of the directors of mutual life insurance companies.

An act prohibiting the publishing of estimates and illustrations which misrepresent the terms of any policy, or the benefits or advantages promised thereby.

An act prohibiting life insurance companies from making any kind of a political contribution.

An act forbidding insurance companies from expending more than \$5000 for any specified purpose without the consent of the board of directors.

An act prohibiting life insurance companies from paying any officer a salary in excess of \$50,000 annually.

An act making the policy the entire contract between the interested parties and defining the status of the persons who solicit life insurance.

An act regulating the disbursements of life insurance companies.

An act requiring nonresident or foreign life insurance companies to keep at least 70% of reserves to credit of Missouri policy holders invested within this state." 2 Jan. '07, p.5-7

c N. C. Glenn. "So much misconduct and actual crime have of late been charged against certain insurance companies, that have used their policy holders' money for corrupt purposes, that perhaps it would be well to enact a law, in the future forbidding any company engaged in such practices from doing business in the state; and upon said charge being made, the commissioner should at once investigate, and if the charges are found true, at once stop the company from soliciting business." 9 Jan. '07, p.14

d U. Cutler. ". . . I would strongly urge that you enact legislation providing for a department of insurance in the state of Utah. It should provide for the appointment of an insurance commissioner, whose duty it will be to give his entire time to the supervision of the companies doing business in the state, including, if your judgment coincides with mine, building and loan associations not regularly under the supervision of the Bank Examiner. . . ." 15 Jan. '07, p.9-10

1733

State departments

a Col. McDonald. ". . . I am of the opinion that the Department of Insurance should be placed under the direct control of the Governor and that the Insurance Commissioner should be appointed by that officer with the consent of the Senate. Under the present law the Auditor of State is ex officio Superintendent of Insurance and he appoints the deputy, who is charged with the enforcement of the law. . . ." 3 Jan. '07, p.11

b Ind. Hanly. "The need of a separate department for the supervision of insurance is so apparent and of such urgent character as to preclude debate or delay. The department, as now organ-

INSURANCE

1733

ized, is no more than a neglected adjunct of the Auditor's office. . . With the means now provided the Auditor can not make it other than it is—a neglected adjunct. With a beggarly allowance of \$5920 for the entire department, he is expected to administer a department having supervision of . . . 324 companies. . . It is simply impossible to secure effective administration of such a department with the allowance made. The department is entitled to stand, and, if properly organized, will stand as a barrier between the people of the commonwealth and the horde of graveyard insurance companies, funeral benefit societies and various wild, visionary concerns and criminal speculative organizations that are continuously organizing and storming the department for the privilege of duping the citizens of the state and preying upon credulity, sorrows and misfortune. . .”

10 Jan. '07, p.18-24

c Ind. Hanly. Urges passage of Babcock-Farber bill providing for separate insurance department. 6 Feb. '07

d Wash. Mead. “The office of Insurance Commissioner has become of such importance that I believe it should be separate and independent of any other office. Moreover, the recent developments in regard to the conduct of both fire and life insurance organizations in the United States have been of a character to suggest the expediency and wisdom of encouraging the organization and growth of domestic companies engaged in the insurance business. The rapid and ever increasing growth of the state with the consequent increase in demand upon the time of the Secretary of State justify a separation of these offices. Therefore, I commend the creation of the office of State Insurance Commissioner, and that the officer be chosen by vote of the people as other state officers are chosen.”

14 Jan. '07, p.16

1734

Examination. Reports

a S. D. Elrod. “I recommend that the law be amended so that it will be made the duty of the [Public] Examiner to examine each and all insurance companies chartered by this state, at least once a year.”

8 Jan. '07, p.36

1735

Government insurance

a Fla. Broward. Renews recommendation of 1905 for state life insurance.

2 Apr. '07, p.56

b W. Va. Dawson. “I suggest no remedy; but if conditions can not be otherwise improved, I see no reason why the state itself should not furnish life insurance at cost. . .”

8 Jan. '07, p.60

741

Deposit of security. Reserve

a Ala. Jelks. “In this connection it might be well to require of insurance companies doing business in the state a deposit with the State Treasurer of state or government bonds as, in some sort, a security for the insured in Alabama.”

8 Jan. '07, p.19

1675

k **S. D. Elrod.** "This state needs an immigration commissioner. People from all parts of the country are constantly writing the executive and other officers for maps and for official statistics etc. of the state. . . I think the act creating such an office should require the commissioner to be especially careful not to send out inflammatory and exaggerated reports. The facts are good enough." 8 Jan. '07, p.6

n **Wash. Mead.** "To furnish information covering every part of the state, its resources and industrial development, I urge the creation of a state board of publicity, consisting of appointive officers with the State Librarian as secretary, to serve without extra compensation. This board to be allowed funds for postage, supplies and clerical assistance, and given authority to obtain reports from state, county and municipal authorities. The data thus secured to be furnished without expense to all applicants, particularly to each and every newspaper of the state."

14 Jan. '07, p.36-37

p **Wy. Brooks.** "The pamphlet commonly known as the 'State of Wyoming,' containing information concerning our resources, was issued from my office, and over 7000 copies have been distributed upon requests made by outside people for information concerning the state. This pamphlet has been quite effective in aiding and encouraging our development. I would recommend that provision be made for continuing its publication."

10 Jan. '07, p.12

1679

Banking

See also 500, Corporations; 843, Taxation of banking institutions

a **Col. Buchtel.** "The need of savings institutions which save calls for a sound banking law." 8 Jan. '07, p.29

b **Mass. Guild.** "The reorganization of the Bank Commission and the banking reform laws of 1906 leave but little to be suggested on this subject. Certain department stores have, however, found a means of evading the spirit of the law, and, under the guise of private bankers, are soliciting deposits by offering rates of interest thereon which are likely to prove tempting to small depositors of the class that habitually use the savings banks. Such depositors do not appreciate that they are in reality lending their money to merchants, at a rather low rate of interest, and that the failure of the department store would wipe their savings out of existence. I recommend the safeguarding of these small depositors against this practice. . . ." 3 Jan. '07, p.25

c **Vt. Proctor.** ". . . If it is desired to organize a savings bank or trust company a special charter must be sought, because there is no general law for their organization. . . There should be a general law for the organization of savings banks and trust companies permitting their voluntary organization in proper cases upon compliance with the provisions of the law and the payment of the necessary capital. So far as possible the charters

1746

insurance companies authorized to do business here while any liability remains outstanding against such companies in this state. He is now by statute designated as such attorney for several classes of companies and should be for all. . .” 9 Jan. '07, p.15

- b N. C. Glenn. “. . . We desire foreign insurance companies to do business in our state, and will protect them all we can against fraud and wrong; but it is not fair for them to collect and carry away over \$6,000,000 of our money to enrich and build up their home states at North Carolina's expense.

Two remedies have been suggested: (1) The enactment of a law making it a condition precedent to a foreign company's doing business in our state, that they shall, before January 1st of each year, submit to the Insurance Commissioner satisfactory evidence that they have invested in solvent North Carolina securities or property an amount equal at least to 50% of the premiums collected on the policies of the people and property of this state. A great many countries, and some states, have adopted this plan, and it works well.

(2) Or that every foreign company doing business in the state make a deposit, in North Carolina securities to be approved by the Commissioner, of not less than \$10,000 or more than \$50,000, according to the amount of business done by the company. . .”

9 Jan. '07, p.12-13

1752

Policies

- a N. C. Glenn. “If you are convinced after a careful investigation of the net earnings of life and fire insurance companies that the premiums charged their policy holders are too much, you should reduce them at once. . .”

9 Jan. '07, p.14

1754

Life and accident

- a Ala. Comer. “The recent investigation in New York of the largest life insurance companies has shown this business to be wonderfully profitable, and also showed that they were gradually absorbing the money of the country. The proof evidenced great mismanagement of the companies, and a large amount of graft and debauching influence. For the proper protection of the people, and as far as practicable, to save within the state the money of the people, and gradually prevent that going out of the profits of the state, to build up such institutions without the state, I would suggest that you investigate the propriety of making the state the insurance agent for the people of the state, giving the people the benefit of the very best conditions and of the best companies, and legislating as far as practicable out of the state the foreign companies.”

15 Jan. '07, p.23-24

- b Ill. Deneen. “The subject of life insurance has commanded more attention and discussion in the last two years than any other. . . Among the most important of the subjects to be considered are the following:

From recent experiences in several sections of this state, I am lead to believe that it is quite important for the state of Connecticut to place all banking institutions of every name and nature under the laws of the state, according to the class of business which they are doing. If a trust company or any other banking corporation maintains a department of savings, that department should be kept absolutely separate from other parts of the business. In the case of savings department it should come under the law governing savings banks in regard to investments and in every other way be subject to the regulations under which such banks do business. . . .” 9 Jan. '07, p.8-9

e **Ill. Deneen.** “. . . I have been informed that the Illinois Bankers Association will recommend some changes in the banking law with a view to bringing about a more rigid inspection of the banking business. I suggest that a careful examination of the remedies proposed be made to the end that every sensible rule which can be suggested, and which will tend to make deposits more secure, be enacted into law. In addition to the suggestions which are made by the Bankers Association, I recommend that the law be changed so that the federal and state examinations be made uniform in point of time. As it is, the federal examination on any given day shows the condition of the bank at the close of business; while the state examination shows the condition of the bank at the beginning of business. The examinations should be made uniform in this particular, to prevent the shifting of securities.” 9 Jan. '07, p.21-22

f **Ind. Hanly.** “. . . The whole law relating to the examination of banks should be revised. . . .” 10 Jan. '07, p.58

g **Mich. Warner.** “. . . I am quite within the record, I think, when I say that in a majority of instances the word ‘bank’ or ‘banker’ conveys to the mind of the individual an impression of that security and protection which state supervision and examination affords. During the past two years we have witnessed conspicuous examples of the necessity for state examination of private banks. In one instance, at least, a private bank whose owners were in the forefront of the opposition to legislation proposed two years ago, survived but a few weeks after the adjournment of the Legislature and went down with a crash. There is, in the proposed legislation, no invasion of legitimate private rights. It is simply and solely a measure of safety and protection in the interest of the public in the first instance, and, in my opinion, in a large measure of the private banks themselves. It seems to me that there can be no question that state supervision and examination would give these institutions an improved standing in the estimation of the public and thus increase their business and usefulness. I recommend that a proper system of state regulation and examination of private banks be provided by this Legislature. Some have suggested the Wisconsin law, which

company from doing both a participating and a nonparticipating business, would seem to be a good measure. . . .

(q) . . . The character of investments which such companies should be permitted to make is a matter worthy of your most careful attention." 9 Jan. '07, p.17-19

c **Ind. Hanly.** ". . . It is your solemn duty to so legislate as to put an end to maladministration of domestic life insurance companies. You should enact a law which will limit the salaries of every executive officer or director of any company. The business of no Indiana company is such as to justify the payment of a salary of more than \$10,000 to any executive officer. Limitation should be placed upon the power of boards of directors to vote salaries. Publicity should be required by the filing on the first day of each year a sworn statement of the salaries and compensation paid to all such officers, with the insurance commissioner. Every such salary list should have the approval of the insurance commissioner before it becomes effective. There should also be legislation inhibiting any company or the agent thereof from paying, allowing or offering as an inducement to any person to take insurance, any rebate or premium or any special favor or advantage whatever in the dividends to accrue thereon, or any inducement whatever not specified in the policy. Special contracts should also be inhibited. . . . For these reasons it is sufficient to permit companies to accumulate and hold an unapportioned surplus fund of 5%, or two full years' accumulation. . . . I also recommend that the law be so amended as to require . . . allied or subsidiary companies . . . to deal directly with their agency force, without the intervention of agency companies. . . . The premium for all policies . . . must be so computed as to provide for insurance expense in equal proportion to the yearly net or death costs of insurance thereunder. . . . The statute should be amended so as to provide that the amount invested in loans upon policies, together with accrued interest thereon, shall not at any time exceed the reserve against said policy, and that no company shall in any year invest in policy loans an amount in excess of 20% of its actual cash income for that year. But for the large percentages of the assets of Indiana companies already invested in such loans, I would recommend legislation limiting the amount of policy loans to certain percentages of the gross assets of the companies. . . . An act should be passed canceling all proxies executed prior to its passage, and providing for the restoration of the companies to the control of the policyholders through the election of entirely new boards of directors. . . ." 10 Jan. '07, p.65-89

d **Ia. Cummins.** Renews recommendations for regulation of life insurance companies. 14 Jan. '07, p.19-22

e **Mass. Guild.** ". . . The mortality tables on which ordinary life insurance is based are half a century old. Civilization has

1680

q Pa. Stuart. “. . . I . . . recommend a thorough examination of the banking laws of the commonwealth with a view of framing a new act which will more fully protect and safeguard the deposits of our people. Such act should provide that officers and directors in financial institutions shall be held legally responsible for any of their acts in violation of law, and should fix more definitely the responsibility of all persons connected with the management of such institutions. . . I most urgently recommend that such act be framed to make compulsory the systematic examination, at frequent intervals, of all financial institutions chartered under the laws of Pennsylvania. . . The investigation recommended may lead to an entire reorganization of the Banking Department. It should be carried on with judgment and discretion, and with the view of avoiding unnecessary alarm to financial institutions or unnecessary interference with them in the proper conduct of their business. The duty of carefully investigating the condition of trust companies, chartered under the laws of this state, is a very exacting one; for not only is it necessary to ascertain whether their capital is intact, whether their loans are safe and whether the collateral securities held to protect them are of sound value, but an examination should also be made into the condition of their thousands of trusts and of the other business which they are authorized under the law to transact.”

15 Jan. '07, p.8-9

r R. I. Higgins. “. . . I . . . recommend the enactment of a law which will provide for the strictest supervision of all banks, trust companies, etc., operating under the laws of Rhode Island, and the appointment of a capable and tried man to make examinations of such banks. I believe that any officer of a bank or trust company operated under the laws of Rhode Island should be ineligible for the office of bank examiner, and that if any such examiner should become indebted to any such bank or trust company, or if he should engage or become interested in the sale of securities, negotiations of loans, etc., for others, his office should become vacant.”

3 Jan. '07, p.14-15

s Tenn. Patterson. “In addition, I recommend . . . three state bank examiners, one to be appointed from each grand division of the state, who shall be charged with the duty and have the power to examine the books and inquire into the condition of all banks chartered by the state and to make their report to the State Auditor. If necessary, these examiners should act independently or under the supervision of the Auditor, creating only one department. The compensation of the Auditor should be fixed by a law creating the office, also that of the examiners. The law should also provide that the fees for making examinations of state banks should be covered into the treasury and these would doubtless be sufficient to meet all the expenses of the department.”

7 Jan '07, p 15-16

Recommendation renewed.

1 Apr. 07, p.5

INSURANCE

1754

- g **Minn.** Johnson. “. . . The legislation of the state of New York, adopted as the result of the extensive and fearless investigation of this subject by the Armstrong committee of that state, should be upheld by the various states as far as possible. Many other legislative investigations have been held, notably in our sister state of Wisconsin, the conclusions of which are entitled to your consideration.

In February, 1906, a conference of governors, attorneys general and insurance commissioners was held at Chicago to consider and further the adoption of uniform insurance legislation. A committee appointed by that conference has given careful consideration to the subject since that date; its report will be before you and I bespeak for it your most earnest consideration. The recommendations of the committee consist of 17 proposed bills which may be summarized as follows: The adoption of standard policies, or at least standard provisions in all policies, so that for the future ambiguous and fraudulent policies will be unknown and open competition between the companies introduced; the abolition of the deferred dividend system to which is traced many of the evils to which I have referred; a compulsory accounting for present surpluses held by companies heretofore operating upon the deferred dividend plan; regulation of salaries and investments, preservation of vouchers for expenditures, prohibition of discrimination in provisions to secure complete publicity through annual reports are proposed as measures which, while leaving the details of the management to the officers of each company, will result in fair competition, ample security and proper use of funds, while frequent accountings and full publicity will force honest and economical management. . . . It is not necessary for me to refer further to the work of this committee than to say that each of its recommendations meets with my hearty approval. . . .”

9 Jan. '07, p.25-29

- h **N. J.** Stokes. “The report of the Committee to Investigate the Condition of Life Insurance Companies will be laid before you at this session. Their findings will enable you to deal with this important topic along lines of the most advanced thought and to place New Jersey in the lead as the state which has the best laws for the protection and safety of policy holders.”

8 Jan. '07, p.19

- i **N. D.** Sarles. “The passage of laws recommended by the committee appointed by the National Association of Governors, Attorneys General and State Insurance Commissioners, for the regulation of life insurance companies doing business in this state, is most important and merits your perusal. I recommend their adoption at this session.”

9 Jan. '07, p.10

- j **Wis.** Davidson. “. . . The committee appointed pursuant to legislative enactment has spent nearly an entire year in the discharge of its duties. . . . The exhaustiveness of this investi-

gation, the care with which it has been prepared to aid legislative deliberation and the extensive legislation recommended, amounting practically to a revision of our statutes regarding the regulation of life insurance companies, precludes the necessity of specific executive recommendations concerning this subject. . . ."

10 Jan. '07, p.26-28

Discrimination, see 1742

Investments, see 1747

1759

Mutual insurance

1761

Fraternal beneficiary societies

- a **R. I. Higgins.** ". . . I would . . . recommend such legislation as will require fraternal societies to make annual or more frequent reports to the State Insurance Commissioner, and which will give him reasonable supervisory powers over them. . . ."

3 Jan. '07, p.12-13

1762

Accident, health and industrial insurance

- a **Mass. Guild.** ". . . To the poor, the expense of so called industrial insurance is very severe; to the very poor, it is prohibitive. I suggest for your earnest thought and careful consideration the subject of insurance of the lives of those able to pay but a very small premium, but whose honorable pride is now in too many cases urging them to pay what they can ill afford if they would avoid a pauper's burial. Life insurance without agents or collectors is an experiment in which the demands of the people are supplemented by practical plans. I commend for your consideration the study of plans to be submitted to you for cheaper industrial insurance that may rob death of half of his terrors for the worthy poor. . . ."

3 Jan. '07, p.14-15

- b **N. C. Glenn.** "Much complaint has been made against what is termed industrial insurance, it being charged that some of the companies doing this kind of insurance are practising fraud and extortion. This should be carefully guarded against, and can be stopped by the adoption of a uniform policy, prepared and approved by the commissioner, for these kinds of companies. New York has also adopted a uniform life policy, and it might be well for you to consider if this plan would not work well in our state."

9 Jan. '07, p.13

- c **W. Va. Dawson.** ". . . 'Industrial insurance' is a term applied to short term policies for small amounts, the premiums of which are paid monthly or weekly, and sold almost exclusively to working people and others of small means. The price charged for this sort of insurance is very high; very much higher indeed than that charged for regular life insurance policies. It is about the only kind of insurance that a great many persons can buy, and it is an outrage upon them that they are compelled to pay

INSURANCE

the enormously exorbitant prices that are charged for this kind of insurance. When insurance, or any other good or necessary thing, is naturally a monopoly, or made a monopoly by artificial means, it ought to be regulated by law. The fact that it is a monopoly, no matter how it comes to be so, is sufficient reason for its regulation and supervision. I suggest no remedy; but if conditions can not be otherwise improved I see no reason why the state itself should not furnish life insurance at cost. . ."

8 Jan. '07, p.59-60

1764

Fire and other casualty

See also 791, Insurance of public property; 1092, Fires; 1893, Forest fires

- a Ill. Deneen. ". . . A provision should be enacted prohibiting one fire insurance company from owning the stock of another similar company. The law should not permit the capital and securities which it requires a company to hold for the protection and security of its own policy holders to be risked in the ventures of another company doing the same kind of business."

9 Jan. '07, p.15

- b Ill. Deneen. "The statute should be so amended as to more clearly and explicitly define and fix the liability with which a company shall be charged for unearned premiums on risks in force, in determining the question of its solvency and in its annual statements to the Insurance Department, and should prescribe the credit which a company shall be allowed on such liability for that part of its business reinsured in another company. . . The law should furthermore prohibit any special deposits, made in particular states for the exclusive protection of the company's policy holders therein from being counted or advertised as assets in this state in excess of the liabilities secured thereby, because in case of insolvency the policy holders in such states are preferred to the extent of such deposits, depriving policy holders in this state of any protection therefrom."

9 Jan. '07, p.16

- c Ill. Deneen. "The act of April 21, 1899, relating to casualty insurance companies should be amended so far as it relates to companies of foreign countries, so as to provide for licensing and dealing with them on the basis of their assets and liabilities in the United States. The assets of these companies in this country are the funds practically available to the policy holders of this state for their protection. Under the present provisions of this act if the funds of the United States branch of a foreign company become depleted or insufficient to provide for the liabilities in the United States, the department would have insufficient authority for properly protecting the policy holders in this state. . ."

9 Jan. '07, p.17

- d Kan. Hoch. ". . . I especially mention the creation of the office of fire marshal and a law providing for the publication in certain state papers periodically of a list of companies authorized to do business in this state. . ."

8 Jan. '07, p.35

1732

An act regulating the election of the directors of mutual life insurance companies.

An act prohibiting the publishing of estimates and illustrations which misrepresent the terms of any policy, or the benefits or advantages promised thereby.

An act prohibiting life insurance companies from making any kind of a political contribution.

An act forbidding insurance companies from expending more than \$5000 for any specified purpose without the consent of the board of directors.

An act prohibiting life insurance companies from paying any officer a salary in excess of \$50,000 annually.

An act making the policy the entire contract between the interested parties and defining the status of the persons who solicit life insurance.

An act regulating the disbursements of life insurance companies.

An act requiring nonresident or foreign life insurance companies to keep at least 70% of reserves to credit of Missouri policy holders invested within this state." 2 Jan. '07, p.5-7

- c N. C. Glenn. "So much misconduct and actual crime have of late been charged against certain insurance companies, that have used their policy holders' money for corrupt purposes, that perhaps it would be well to enact a law, in the future forbidding any company engaged in such practices from doing business in the state; and upon said charge being made, the commissioner should at once investigate, and if the charges are found true, at once stop the company from soliciting business." 9 Jan. '07, p.14

- d U. Cutler. ". . . I would strongly urge that you enact legislation providing for a department of insurance in the state of Utah. It should provide for the appointment of an insurance commissioner, whose duty it will be to give his entire time to the supervision of the companies doing business in the state, including, if your judgment coincides with mine, building and loan associations not regularly under the supervision of the Bank Examiner. . . ." 15 Jan. '07, p.9-10

1733

State departments

- a Col. McDonald. ". . . I am of the opinion that the Department of Insurance should be placed under the direct control of the Governor and that the Insurance Commissioner should be appointed by that officer with the consent of the Senate. Under the present law the Auditor of State is ex officio Superintendent of Insurance and he appoints the deputy, who is charged with the enforcement of the law. . . ." 3 Jan. '07, p.11
- b Ind. Hanly. "The need of a separate department for the supervision of insurance is so apparent and of such urgent character as to preclude debate or delay. The department, as now organ-

NAVIGATION WATERWAYS

ance companies provides an inadequate basis for the organization of such companies. It practically permits them to organize with \$10,000 of premiums paid in in cash without further material obligations of members, while stock companies are required to have \$100,000 of capital paid in in cash as a preliminary basis for the protection of the insured. The provisions of the law previous to this amendment required premium notes or contract obligations of members of not less than three nor more than five times the amount of the cash premium written in the policy. Some further contingent liability of members beyond the minimum of \$10,000 of cash premiums paid should be required for the security of the insured." 9 Jan. '07, p.16

1800

Navigation. Waterways

See also 1384, Canals; 1393, Bridges

- a Ala. Comer. ". . . I recommend the enactment of laws requiring that all railroads operated in this state shall give said port [Mobile] and waterways the recognition their importance deserves, and that they may be made basing points for fixing rates into and through the state; and that you authorize the Railroad Commission to incur any needed expense to carry out this requirement, and that you enact all necessary legislation in this particular." 15 Jan. '07, p.6
- b U. S. Roosevelt. Ship subsidy. 23 Jan. '07

1803

Harbors

- a Mass. Guild. "Local differences as to which city or town is in this or that particular year to receive attention in the improvement of harbors occupy a needless amount of time of the General Court. Various state boards are granted an annual appropriation for carrying into effect the purpose for which they are created. I suggest a similar general appropriation for the Harbor and Land Commission, and that all questions as to which harbor needs attention in any given year be referred to this commission. . . ." 3 Jan. '07, p.27-28

1804

Wharves. Docks. Piers. Wharf lines

- a Cal. Pardee. ". . . I renew my recommendation that a well guarded law be passed, under which any railroad company may be allowed to lease from the state a sufficient, and only a sufficient, portion of the public submerged lands lying within the limits of incorporated cities, or within 3 miles thereof, to enable them conveniently to carry their traffic to navigable water. This law should be carefully guarded so as not to remove it from court review and so that only portions of the public domain not more than 200 feet in width shall be leased to any corporation. The

1741

- b** Cal. Pardee. ". . . Any legislation, therefore, which will tend to limit the field of activities of insurance companies would be undesirable. If, however, the Insurance Commissioner of California were empowered by law to refuse to admit to this state any company which does not keep on deposit, in the hands of a trustee, on conditions imposed by this state, a sufficiently large sum, either in money or bonds, the objections to the requirement of a deposit in this and any other states might be overcome, and, at the same time, a reasonable guaranty might be secured. If this trustee were some well known and safe financial institution, not necessarily in this state, and if the conditions imposed by this state concerning the purposes and uses of this deposit were such that it would protect, not only California, but other states, it is not at all improbable that the other states in which the depositing company does business would, by law, accept such a deposit as a means of also protecting their citizens. . . ."

7 Jan. '07, p.49-51

- c** Cal. Gillett. ". . . There should . . . be enacted a deposit law under which companies of foreign countries will not be permitted to do business in this state unless they have on deposit in this or some other state a minimum sum, and in addition thereto the full reserves required of domestic companies, as to all policies issued upon property situated in the United States where a reserve is required. This is the law in many of the states, and had it been the law in this state the Transatlantic and other companies which have retired to Germany without paying their losses, would not have escaped so easily, because their assets in this country might have been sufficient to have covered part of their losses, at least. . . ."

9 Jan. '07, p.11-12

1742

Discrimination

- a** U. Cutler. "I also favor the imposing of strict regulations against rebating and unjust discrimination by life insurance companies between persons of the same age and expectancy of life."

15 Jan. '07, p.10

1743

Dissolution. Insolvency

- a** U. Cutler. ". . . I . . . favor the requirement that every company doing business in Utah shall prove its solvency and its ability to meet its claims."

15 Jan. '07, p.10

1744

Dividends

- a** N. C. Glenn. ". . . It is suggested that a sure remedy would be to allow no deferred dividends, but require each company to distribute annually its dividends among its policy holders. I ask you to investigate this matter and do what is right."

9 Jan. '07, p.14

1746

Foreign companies

- a** Ill. Deneen. ". . . The Insurance Superintendent should be made by statute the attorney for service in this state for all in-

1805

and the Governor. It was determined to use this money, first, in the closing up of the largest and worst breaks in the river banks, thus confining most of the water to the channel and securing the scouring effect, and, second, to securing certain threatened points of the banks against erosion and other breaks. It was also determined, when possible, to require the owners of lands on which breaks in the river banks were or were threatened, to cooperate with and pay dollar for dollar with the state for the prosecution of the work. Under this system of cooperation several bad breaks have been stopped, other threatened breaks have been prevented, and the rivers have been greatly improved, so that navigation is much easier than it had been for a long period of years. There is now a tide of several inches at Sacramento, a thing unknown for many years before, and river steamers have no difficulty in reaching this city even at the season of lowest water. The state appropriation, by means of this cooperation, has been made to do duty for four years. It is now about exhausted. The work on the rivers should be continued. I therefore strongly recommend that another appropriation of a like sum be made, to be expended under like conditions."

7 Jan. '07, p.56-57

- b **Wash. Mead.** Joint action with Oregon and the federal government for improvement of Columbia river for navigation.

14 Jan. '07, p.31-32

1826

Agriculture

See also 956, 1466, Adulteration; 1144, Communicable diseases of animals; 2343, Agricultural schools

- a **Tenn. Patterson.** "The Department of Agriculture should be sustained and further strengthened by such appropriation and legislation as may insure the accomplishment of the benefits intended when the department was created. . . While our state has mineral resources, some already developed, and others undeveloped, agriculture will always be its chief dependence. . . A study and analysis of soils, encouragement to live stock industry, the discriminating use of fertilizers, should all receive the attention of our Agricultural Bureau, and appropriations to this end should unhesitatingly be made. I further recommend the creation of three experiment stations in each grand division of the state, to be properly equipped and in charge of competent and experienced farmers, the result of their experiments to be published and distributed in bulletin form, as is now done by the government. The farmers institutes should also be encouraged as affording the means for interchange of ideas among the farmers of the state and as tending to improve our agricultural conditions."

7 Jan. '07, p.4-5

1826

- b** **Tex.** Campbell. Separate department of agriculture.

16 Jan. '07, p.14

1828

Experiment stations

See also 2343, Agricultural schools

- a** Acceptance of federal appropriation for experiment stations: **Ari.** Kibbey, 22 Jan. '07, p.40-41; **Neb.** Mickey, 3 Jan. '07, p.9; **Wash.** Mead, 14 Jan. '07, p.31; **W. Va.** Dawson, 8 Jan. '07, p.83.
- b** **Ga.** Smith. "The land of south Georgia is so different from that of north and middle Georgia that I urge the establishment of a branch experiment station in south Georgia alongside of one of our agricultural schools, or else by a south Georgia normal school." 29 June '07, p.22
- c** **S. D.** Elrod. ". . . The state owns a section of improved land at Sioux Falls and Watertown and I recommend that at least one half of each of these sections of land be planted to corn under the supervision and direction of the Agricultural College at Brookings and that the corn raised be sold to the farmers at reasonable prices. There is no reason, if the Agricultural College gives the matter proper attention, but what the crop will pay all the expenses and more. . ." 8 Jan. '07, p.40

1829

Farmers institutes. Reading courses. Lectures

- a** **Mon.** Toole. ". . . The directors of this [farmers] institute are so impressed with the value of the work done and the possibilities for the future that they have unanimously asked for an increase in the annual appropriation. The success made in dry land farming alone, a method employed in many localities in the state, under the directions of these institutes has transformed many a desert waste into prolific fields of grain, and is worth in a single year a hundred times the increased appropriation asked for the ensuing two years." 8 Jan. '07, p.8-9

1832

Statistics. Weather and crop service

- a** **N. D.** Sarles. "The 'Weather and Crop Service' and appropriation for 'clerk Weather Bureau' should be repealed. The government disapproves of the appropriations and notified us accordingly." 9 Jan. '07, p.15
- b** **Wash.** Mead. "For the collection and dissemination of information useful to the agricultural and horticultural interests of the state, I recommend the creation of a state board of horticulture and agriculture. The members of said board to serve without pay except necessary traveling expenses, and to consist of the president of the State College of Washington, the State Fair Commission, the State Grain Inspector, the State Veterinarian, the Dairy and Food Commissioner and the Horticultural Commissioner." 14 Jan. '07, p.37

AGRICULTURE

1835

Associations. Fairs

1840

State associations and fairs

- a N. D. Sarles. Increased appropriation for State Fair.
9 Jan. '07, p.10
- b S. D. Elrod. ". . . Squeeze the other appropriations and increase the appropriation for the State Fair." 8 Jan. '07, p.39
- c S. D. Crawford. ". . . The South Dakota Board of Agriculture has been doing splendid work. Exhibits of which all who saw them were proud, were made this year both at Huron and Mitchell. Means must be provided which will enable the board to get into the field early and to encourage the raising and preserving and sending to the fair the best specimens from every county in the state. This can not be done without means. Suitable buildings of ample size and arrangements must be provided for the housing and care of exhibits when received and for the exhibition of the same to the best advantage. The report of the board should receive your most careful attention and efficient support by appropriations should be made. . . ." 8 Jan. '07, p.41-42
- d U. Cutler. "The Deseret Agricultural and Manufacturing Society is reported as being in excellent condition. The most successful state fair in the history of the society was held in 1905, but owing to certain conditions, no fair was held in 1906. It is suggested that hereafter the fair be held biennially, and that the name of the society be changed to 'Utah State Fair Association.' I approve these recommendations. A request is made for \$20,000 to complete the main building, which has lain in an unfinished condition for more than two years. I think this appropriation should be made." 15 Jan. '07, p.25

1844

Horticulture. Diseases and pests

See also 1630, Encouragement of industries

- a Id. Gooding. "In the summer of 1906 I visited Fremont county, at the request of many farmers and citizens for the purpose of investigating the cricket pest. I found the condition to be a very serious one. . . A law should be enacted allowing taxation, so that the various counties afflicted with this pest may rid themselves of a great menace to continued growth and prosperity." 8 Jan. '07, p.27
- b Mon. Toole. ". . . I bespeak for this body [Board of Horticulture] a continued and generous appropriation sufficient to insure a systematic and successful warfare against the further invasion of insect pests and the extermination of such as now exist in the orchards of the state." 8 Jan. '07, p.10-11

1754

materially lengthened the duration of human life in the last 50 years. The same principle that from time to time calls for the readjustment of laws regulating insurance methods in accordance with changing conditions demands no less examination and reconstruction of the very basis on which all life insurance rests. The insurance department of the commonwealth has the records of hundreds of thousands of lives from which just and modern mortality tables can be constructed. I recommend that the Insurance Commissioner be authorized to prepare an official mortality table for Massachusetts, for the information of the profession and the people." 3 Jan. '07, p.15

- f **Mich.** Warner, "The investigation of the general subject of life insurance by a committee of the Legislature of New York state last year, has brought this topic prominently before the public. One result of this agitation was a conference participated in by the governors, attorneys general and commissioners of insurance of several states, in February last, and the appointment, by such conference, of a committee of 15 to draft a proposed uniform code of laws governing life insurance, with a view of having this code enacted in the various states. Michigan was honored with a place on this committee, and participated prominently in its work. The several bills prepared by that committee will be presented for your consideration and, with modifications designed to meet conditions in this state, should have your careful attention.

These bills are modeled after the best features of the so called Armstrong laws enacted by the Legislature of New York. The desirability of uniform action by the several states will, I think, appeal to the judgment of every one who has the best interests of the policy holders at heart. We should constantly bear in mind, however, that the evils and extravagances exposed by the Armstrong investigation were almost wholly local and did not obtain in companies of other states than New York. Furthermore, these companies have been hedged about by legislation, which, it is believed, will prevent any recurrence of the evils complained of. For this reason there is no demand or occasion for hasty or ill-considered legislation in this state. Some of the New York legislation is confessedly experimental, and Michigan can well afford to await the result of the test of these laws in the state where the evils must, of necessity, be first attacked.

Any legislation which bars the companies from legitimate fields of operation or which places upon them unnecessary burdens bears heaviest upon the policy holders whose interests we should constantly seek to protect. The managers of the companies are simply trustees for the policy holders and a proper accounting of their trusteeship to the policy holders and complete publicity as to all their business transactions will, in my opinion, meet the situation and keep the business free from evils." 3 Jan. '07, p.8-9

FORESTRY

opposition to the grazing fee is practically at an end, and the stockmen are earnestly supporting the forest service and cooperating with it effectively for the improvement of the range. The situation on the open government range is strikingly different. Its carrying capacity has probably been reduced one half by overgrazing and is still falling. Range controversies in many places are active and bitter, and life and property are often in danger. The interests both of the live stock industry and of the government are needlessly impaired. The present situation is indefensible from any point of view, and it should be ended.

I recommend that a bill be enacted which will provide for government control of the public range through the Department of Agriculture, which alone is equipped for that work. Such a bill should insure to each locality rules for grazing specially adapted to its needs and should authorize the collection of a reasonable grazing fee. Above all, the rights of the settler and home maker should be absolutely guaranteed. Much of the public land can only be used to advantage for grazing when fenced. Much fencing has been done for that reason, and also to prevent other stock owners from using land to which they have an equal right under the law. Reasonable fencing, which promotes the use of the range and yet interferes neither with settlement nor with other range rights, would be thoroughly desirable if it were legal. Yet the law forbids it, and the law must and will be enforced. I will see to it that the illegal fences are removed unless Congress at the present session takes steps to legalize proper fencing by government control of the range."

17 Dec. '06

1879

Estrays. Damages. Trespass

- a N. M. Hagerman. "The Cattle Sanitary Board, which has also been very efficiently managed, recommends the amendment of the law governing the sale of estrays, as the present procedure is so long, cumbersome and expensive that few persons take advantage of it. The board also recommends certain amendments to the mange law. There is also a general demand from the stockmen from all over the territory that the hide law be so amended that hide buyers shall be forced to mark each hide purchased before inspection with some mark or tag showing from whom the hide was purchased. I would respectfully recommend such amendment."

21 Jan. '07, p.29

:890

Forestry

See also 1598, Arbor day

- a Cal. Pardee. ". . . There can not be an adequate protection of the forests without the employment, during the season of danger, of at least 20 district firewardens for the proper organization of their respective districts for cooperative fighting of fires. Such wardens will each cost \$90 per month, and expenses, during the danger season, but will save to the tax rolls of their respective

1890

districts many hundred times their cost. . . The present forestry law, and code provisions in conflict therewith, should be so revised by the coming Legislature as to eliminate inaccuracies and ambiguities. It is estimated by the State Forester that an efficient safeguarding and advancing of the forestry interests of California will necessitate an appropriation of \$30,000 per year . . . and I am of the opinion that the Legislature should make such an appropriation. . . ." 7 Jan. '07

b Mass. Guild. ". . . A commonwealth that has appealed to the national government to save the forests that guard the sources of our water supply and water power must not neglect her own duties. The scope of the state forestry work can not be extended with the means at present at our disposal; and I cordially recommend to you a consideration not only of more effective laws in regard to forest fires, in order to save the trees we already possess, but of the laws in regard to forest taxation, that the growing of new forests on lands at present sterile and unproductive may be encouraged." 3 Jan. '07, p.30

c Mich. Warner. "The problem of reforesting the denuded timber lands of the state is one which calls for prompt and intelligent solution. Early provision for future needs should be made along lines that will produce the best results and at the least possible cost. Whatever plan is adopted should embody ample provision for protecting the growing trees from fire. The growing of forests should be encouraged in every proper and legitimate manner." 3 Jan. '07, p.7

d Minn. Johnson. ". . . The state itself owns only 21,000 acres of forest reserves, all being under charge of the Forestry Board. Of this, 20,000 acres, being the so called Burntside forest in St Louis county, were granted by Congress in 1904. A working plan has been prepared for the same and a nursery should be started preparatory to planting the greater part of the land with pine and spruce. The other 1000 acres comprise the Pillsbury donation in Cass county on which is a nursery of pine and spruce seedlings which if possible should be planted the coming spring. In addition to these reserves is the Itasca park of about 14,000 acres owned by the state, which I recommend be placed in charge of the forestry board with condition that no green and growing timber shall ever be cut. An act passed four years ago authorized the forestry board to purchase land for forestry purposes at not exceeding \$2.50 an acre, but no money has been appropriated to carry it into effect. I recommend a moderate appropriation to start work under that act." 9 Jan. '07, p.45-46

e N. H. Floyd. Recommends abolition of Forestry Commission. 3 Jan. '07, p.17

f N. J. Stokes. ". . . Further development of our forestry reservations and the protection of our woodlands from fire is commended to legislative support." 8 Jan. '07, p.34-35

FORESTRY

1890

g **S. D. Elrod.** "The state should in some way encourage tree planting. . . Forestry should be more extensively taught in the Agricultural College and in our schools, and I recommend that a state board of forestry be created and that the professor of Horticulture and Forestry, Professor Hansen, be made director thereof. Create a board of five,—to be appointed by the Governor,—who shall serve for a nominal salary. In a sister state the salary of each member of the Board of Forestry is \$100 per year." 8 Jan. '07, p.39-40

h **Tenn. Patterson.** Cooperation with federal Forestry Bureau to study conditions for reforesting denuded lands.

7 Jan. '07, p.9-10

Recommendation renewed.

1 Apr. '07, p.3

1893

Forest fires

a **Fla. Broward.** "The game wardens could, under a proper law for the protection of our forests from fire, be made also fire-wardens and be of untold value to this state, for it is of vital importance that steps for the protection of the forests from fires be promptly undertaken, and that such laws as are necessary for the protection of this valuable resource be passed at this session of the Legislature." 2 Apr. '07, p.52

b **Pa. Pennypacker.** ". . . Ultimate success in forestry depends upon our ability to prevent the destruction caused by fires. In my message of 1905 I made two recommendations upon this subject, the first that the railroad corporations of the state and those having railroad lines passing through it be required under fixed penalty and the payment of resultant damages to put out all fires within one hundred feet of their tracks except within municipalities, and the second that all persons and corporations who may hereafter for any reason fell forest timber be required to remove from the woods when they take away the lumber the strippings, light material and all other parts of the trees and that a sufficient penalty be imposed upon failure to comply. I now renew these suggestions." 1 Jan. '07, p.5-6

c **U. Cutler.** ". . . I am convinced that one of the greatest dangers to timber outside of federal control is from forest fires. Destructive fires occur every year, especially in the fall, and they are most commonly caused by careless campers. It would be well for you to investigate this matter, and formulate a law visiting severe penalties upon those who carelessly and criminally endanger the forests, and thus cause irreparable loss to Utah."

15 Jan. '07, p.44

1894

Forest preserves

a **Nev. Sparks.** Asks for legislation whereby income of counties containing forest reserves can be ascertained that state may share in federal government school and road money. 21 Jan. '07, p.4-6

1894

- b** N. M. Hagerman. ". . . It therefore becomes the duty of this Legislature to pass a law for the disposition of this money [federal forest reserve fund], and of all further sums of money which shall be paid in the future to the territorial government for the same purposes, and I desire especially to call your attention to that provision of the law which says that the Legislature may expend these sums for the benefit of the public schools and public roads of the county or counties in which the reserve is situated. The law also limits the action of the Legislature by providing that when a forest reserve is in more than one county, the distributive share to each county from the proceeds of said reserve shall be proportional to its area therein. As the amount of income from this source will doubtless greatly increase from year to year, both on account of the larger amount of fees received from the reserves which were established when last year's distribution was made, and because of the large acreage of new reserves which have since been established, I recommend your careful consideration in the preparation of a law for the disposition of this income. The total acreage of forest preserves in New Mexico at present is 6,982,406." 21 Jan. '07, p.39-40
- c** N. Y. Hughes. "There has been general recognition in recent years of the vast importance to the state of the preservation of its forests. To prevent the irreparable loss which would be occasioned by their devastation and conversion to private uses the state has pursued the policy of acquiring forest tracts. This policy should be continued, and as rapidly as possible and so far as may be necessary to accomplish its purpose the state should extend its holdings. All propositions which may involve any diversion of these lands from the purpose of their acquisition should be most carefully scrutinized. . ." 2 Jan. '07, p.25
- d** Or. Chamberlain. ". . . Permit me to call your attention to the fact that more than one fifth of the area of the state, or 11,569,848 acres, is included within these federal reserves, and therefore practically withdrawn from settlement or sale. The moneys derived from this immense body of land ought all to be paid to the state to be added to the irreducible school fund, deducting first the cost of collecting the same. I suggest that a resolution be passed calling upon our representatives in Congress to use their influence to have a law passed that will bring about this result." 16 Jan. '07, p.9-10
- e** U. S. Roosevelt. ". . . The forests of the White mountains and southern Appalachian regions should also be preserved; and they can not be unless the people of the states in which they lie, through their representatives in the Congress, secure vigorous action by the national government." 3 Dec. '06, p.28
- f** U. Cutler. Asks for legislation to apply money given by the federal government from the income of forest reserves to roads and schools. 15 Jan. '07, p.30-31

GAME AND FISH

1894

- g U. Cutler. Requesting the Legislature to provide for the use of the funds received from proceeds of forest reserves, by the creation of the county roads and bridges fund from forest reserves, and the apportionment of the fund among the several counties.

4 Feb. '07

1900

Game and fish

- a Ala. Jelks. "The passage of a comprehensive fish and game law is, to my mind, quite imperative. No real protection can be secured short of a provision which arranges for game wardens. The bill ought to be comprehensive enough to embrace other birds than game birds. It is well enough to begin at once a work looking to preventing the total extinction of our game, and as well our song birds. . . ." 8 Jan. '07, p.25
- b Fla. Broward. ". . . Every legitimate protection and encouragement should be given the fish and oyster industry of the state, and only such restrictions and limitations placed on them as will secure the preservation of the oyster beds and the supply of fish, and protection of their spawning grounds; but such restrictions as will accomplish this result should be provided, and not only provided, but the means should also be provided for their strict enforcement by the proper state authorities. The bedding places of our inland fish should be protected during spawning season, and especially should you protect the breeding grounds of the mullet, our most valuable and numerous food fish, along the lagoons and inlets of the east and west coasts of Florida. . . ." 2 Apr. '07, p.41
- c Fla. Broward. Renews recommendation for appointment of state game and fire wardens. 2 Apr. '07, p.51-52
- d N. H. Floyd. ". . . The [fish and game] law, I think, is faulty, in that it makes the receipts of the commissioners dependent somewhat upon the prosecutions they institute and the costs they collect. In many cases the fines are excessive, and when added to the costs, make a penalty out of proportion to the offense, especially where, as is often the case, the violation of the law is due to the ignorance or carelessness of the defendant, rather than his deliberate intention to do wrong." 3 Jan. '07, p.14
- e S. D. Crawford. ". . . Unless our wild game is more carefully protected from the ravages of the hunter, it will be but a short period of time when we shall have no wild game. In the September number of Recreation is an article from the graphic pen of Clate Tinan, editor of the Kimball Graphic upon 'The Vanishing Prairie Hen—Why It Cannot Survive,' that touches the heart of every lover of this splendid bird. I hope you may be able to agree upon some good and effective law upon this subject. In whatever law you enact, provision should be made that will permit trustworthy persons to take specimens of game and fish, song, insectivorous and other birds for scientific purposes for colleges and museums." 8 Jan. '07, p.41

1804

greatest care should be exercised to keep out of such legislation a repetition of the attempt of 1903 to put it into the power of a single corporation, or even a few corporations, to monopolize, to the exclusion of competing roads, public lands, the proper use of which is of such great value to all the people of this state.

Such lands, in limited quantities, ought to be leased to the corporations desiring to use them; and the terms of the leases should be such that the rental to be paid shall be determined at intervals of not longer than 10 years. While the yearly rentals should, in no case be large enough to hamper trade or put any onerous burdens upon the lessees, the privilege to be enjoyed is valuable enough to call for the paying of a reasonable rental. . . ."

7 Jan. '07, p.59-61

- b Cal. Pardee. "The whole system upon which the administration of the San Francisco water front is based is wrong, radically wrong. Instead of there being three commissioners, there should be one commissioner, whose term of office should be dependent only upon his rendering efficient service and who should be paid a salary commensurate with the value of the service rendered to a business of the magnitude of that transacted on the San Francisco water front. Under this commissioner should be various departments, each headed by men selected by and responsible only to the commissioner. The subordinates of these department chiefs should be selected by and be responsible to, and only to, their chiefs. Efficiency and competency should be the only criteria of employment or retention. But while the executive functions, for the sake of a more energetic administration, should be thus concentrated in one person, it might, and probably would, be found expedient to associate with the commissioner an advisory board, in about the same way in which the State Commissioner of Public Works has associated with him, for certain purposes, an auditing board. In this way, and in this way only, can the water front of San Francisco be put into shape to properly take care of the business passing and to pass over it. Whether such a state of affairs shall be brought about depends upon the Legislature, in whose hands is the power to initiate and to bring about the necessary changes in the law."

7 Jan. '07, p.66-67

- c Mass. Guild. "I would suggest . . . that we should encourage adequate appropriations from the national government for harbor approaches to Boston, by moving for the improvement of freight terminals that shall supplement deep water at the docks and in the channels of the harbor."

3 Jan. '07, p.22

1805

Improvement of waterways (general)

- a Cal. Pardee. "Four years ago the Legislature appropriated \$200,000 for river improvements, putting its expenditure into the hands of the Auditing Board to the Commissioner of Public Works

FISH

fields. It must be a discriminating dog who can see the difference between deer and domestic animals under such circumstances. A careless hunter often makes more real damage than the game he seeks. While we protect the man with the license, let us not forget the resident taxpayer who summers and winters with us. . . ."

4 Oct. '06, p.14-15

1944

Birds

1947

Game birds

- a N. C. Glenn. ". . . It [the Audubon Society] asks that the time for hunting [game birds] commence November 15th and end March 1st, and be allowed at no other time in any county. I approve the request. The law should be uniform, and it is hoped you will so make it."

9 Jan. '07, p.23

1950

Gallinae

Black game, capercaillie, grouse, partridge or ruffed grouse, pheasant, prairie chicken, ptarmigan, quail, sage fowl, wild turkey

- a Pa. Pennypacker. ". . . It would be well for a series of years to prevent entirely by legislation the killing of quail, woodcock and pheasants or grouse."
- b S. D. Elrod. ". . . It seems to me that it might be advisable to make the open season for the shooting of prairie chickens and of quail alternate for a few years."

1 Jan. '07, p.6

8 Jan. '07, p.40-41

1959

Fish

1961

Fish culture

- a Nev. Sparks. Fish propagation.
- b U. Cutler. "It is the opinion of experts on fish breeding that not enough attention is paid in Utah to the matter of fish hatcheries. There are enough streams and lakes in the state to furnish all the fresh-water fish needed for our food supply, if they were properly stocked with fry, and if fish hatcheries were established at advantageous places. Among these can be named especially Utah lake and Spring lake, both in Utah county. The first of these is peculiarly adapted to the propagation of black bass; the second, of both black bass and trout. It has been recommended, and I approve the suggestion, that you authorize the establishment of fish hatcheries at the two places named, and elsewhere if deemed advisable. In this connection, it has been said that Utah lake, which produces fish to the value of only \$10,000 per year, could, by being plentifully stocked with bass, be made to produce at least ten times that amount. In addition, the improved fishing would be an inducement for tourists and sportsmen from various places to come to Utah for that particular sport, and spend their money here. If that is the case, and I see no cause to doubt it, the establishment of fish hatcheries and the improving of Utah lake and other bodies of water as places

21 Jan. '07, p.10-11

1961

for fish propagation, even though the initial cost of these improvements were considerable, would be a matter of financial prudence." 15 Jan. '07, p.22-23

- c Wy. Brooks. "In my message to the Legislature two years ago . . . I recommended that the Legislature investigate the methods of fish culture pursued in other states, with a view of placing our fish hatcheries on a more economical basis. At this time I wish to again strongly renew that recommendation. . . We certainly can not afford to run state institutions for political effect. . . With the extension of railroads and consequently improved transportation facilities, it is all nonsense for Wyoming to maintain five fish hatcheries, when two would do better. . ."

10 Jan. '07, p.31

1974

Special kinds of fish

1988

Shad. Herring. Sardines

- a N. J. Stokes. ". . . The United States Bureau of Fisheries, our own Fish and Game Commission, and the Commissioner of Fisheries of Pennsylvania, all concur in the recommendation for uniform legislation for the protection of the shad fisheries. . ."

8 Jan. '07, p.21-22

- b Pa. Pennypacker. ". . . The shad and sturgeon are rapidly disappearing from the Delaware, and the commission to consider this subject with similar commissions from the other states interested should be renewed."

1 Jan. '07, p.6

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Oysters

- a Del. Lea. ". . . I submit that the present statute should be repealed and a full and comprehensive statute relative to oysters be enacted, which would afford adequate protection to the state interests and avoid undue hardships upon the present lessees of oyster plantations. . . Any statute enacted should provide for a resurvey of the natural rocks and beds adapted to oyster culture, which survey with plots should be filed and recorded in permanent form; for the appropriation of funds sufficient to make such survey and plots; for the leasing of such land for definite periods and for the adequate protection to all lessees."

1 Jan. '07, p.6-7

- b N. C. Glenn. Changes in oyster and fish law. 9 Jan. '07, p.21

2020

Mines and mining

See also 500, Corporations; 846, Taxation. For labor in mines see 2040

- a Col. McDonald. "The rapid development of our coal areas in the past few years has added greatly to the responsibilities of our Coal Mine Inspector, who is now operating under a law passed 20 years ago, which provided for only one deputy. . . He should be provided with two more deputies by this session of

MINES AND MINING

2020

the Legislature. . . . A revision of the law governing coal mines would not be amiss, as the law under which they are now operated is somewhat old and I believe many improvements could be made which would tend to prevent accidents and protect the lives of the workmen, as well as being of material advantage to the operators themselves. . . .” 3 Jan. '07, p.12-13

- b **Minn.** Johnson. “. . . I herewith submit to you the advisability of organizing a new state department devoted to that subject and the creation of the position of state commissioner of mines, giving such official powers and duties similar to those of the commissioners of insurance, labor, railroads and warehouses To this department might be intrusted the enforcement of the state mine inspection and regulation laws, the examination of the mineral resources of the state school and other public lands, the protection of the state's interests in iron ore royalties and mineral contracts and leases, as well as the maintenance of a bureau of statistics and general information in regard to the mining industries and mineral resources of the state for the aid and use of the state legislative and various executive departments. . . .” 9 Jan. '07, 17-18

- c **Nev.** Sparks. “. . . It is apparent that the mining industry requires a state mineralogist to examine scientifically the mining claims in every district in the state. The reports will bear the impress of official indorsement which will disseminate knowledge and instruction not accessible from other sources. . . . It is strange, indeed, that the paramount industry should not have been recognized by placing a competent officer at the head with duties defined and equipments furnished and a salary commensurate with the ability and talent required to perform the duties acceptably. I earnestly recommend that such an office be created and provided for.” 21 Jan. '07, p.3-4

2024

Corporations

- a **Or.** Chamberlain. “. . . The American Mining Congress appointed a committee of distinguished gentlemen to prepare a bill for the punishment of mining fakers and promoters of illegitimate mining enterprises, and I presume it will be submitted to you. . . . Any person who undertakes to sell or assent to the publication, privately or publicly, of a fraudulent or exaggerated report tending to give any person or the public the idea of a greater value than such stock really possesses, with intent to defraud, ought to be deemed guilty of a felony and punished accordingly.” 16 Jan. '07, p.31
- b **U.** Cutler. “I have the honor to call your attention to the steps already taken in California and at the Mining Congress recently held in Denver, Colorado, for the suppression of fraudulent schemes in the name of mining, having for their purpose the enriching of the promoter at the expense of the honest but deceived investor. The California statute, enacted by

the Legislature of that state in 1905, makes the flotation of these fraudulent schemes and the distribution of misleading statements to bolster them up, a felony punishable by imprisonment for a term not exceeding two years, or a fine of not more than \$5000, or by both fine and imprisonment. A bill providing for the punishment of the promoters of these nefarious schemes was drafted by distinguished representatives at the American Mining Congress, and adopted by that body for recommendation to the various state Legislatures. Its provisions are similar to those of the California statute already referred to. I would strongly urge in the interest of honest, legitimate mining, that a similar law be enacted in Utah. For while our state has been freer than some others from these schemes, it is most desirable that steps be taken to rid the community of the few now being floated, and to prevent, as nearly as may be, any recurrence of such frauds. I shall be pleased to submit to your committees on mines and mining, if desired for their information and assistance, the California statute and the proposed bill adopted by the Mining Congress."

15 Jan. '07, p.43

2027

Fraud. Larceny

a **Col. McDonald.** "You will doubtless have presented to you for your consideration a bill looking towards the punishment of people who are trying to promulgate [fictitious mining] companies. . . . If such a law is enacted, you should display great care and judgment in its provisions. All mining people are not dishonest. . . . Many a man honestly believes he has found a 'good thing,' but has not the money with which to develop it, so organizes a company and disposes of enough stock to make further developments. His judgment is not sustained, and it proves a failure; the money has been honestly expended and the promoter has been honest in his intentions and disappointed in the result. Such a man should not be made amenable to a 'fraud law.' . . . It will be necessary for you to draw exceedingly fine distinctions, or you may do an irreparable damage to one of our most profitable and legitimate resources."

3 Jan. '07, p.15

b **Wy. Brooks.** ". . . A general movement for the suppression of fake mining companies and the sale of worthless mining stock is in progress in most of the intermountain states. The investment of capital in mining enterprises would undoubtedly be encouraged by the enactment of a protective measure on the same general lines as that observed in other states."

10 Jan. '07, p.20-21

2040

Labor

See also 354. Convict labor

a **Ct. Woodruff.** "In my opinion the Factory Inspectors and the Labor Bureau should be placed under one head. At the present time the Labor Bureau has five agents in this state, who are

acting as intelligence offices, where the employer can secure help and where persons may secure employment. That is practically all that is being done by the Labor Bureau except in compiling statistics which are furnished by cities, towns and manufacturers . . . The agents representing such consolidated bureau should be general agents under the direct charge of the commissioner who should have the right to send his men into any district of the state that he sees fit. Such agents should not be kept in one district more than a year at a time. . . ." 9 Jan. '07, p.12-13

- b **Ill. Dencen.** "The work of factory inspection has been enormously increased in the last two years, and the present force in this department is insufficient to secure the full discharge of the duties imposed upon the department by the law creating it. Specific recommendations as to the nature and kind of increase in the personnel of the department will be found in its report, which I shall later transmit to your honorable body. To one class of the industries, subject to inspection, I especially call your attention: the industries which employ hazardous or dangerous machinery. The majority of the accidents, fatal and otherwise, occurring in this class of industries, can be very much decreased by the amendment, amplification and rigid enforcement of the laws designed to compel the use of protective devices about dangerous machinery. Besides the enlargement of the force of factory inspectors, additional legislation may be necessary to make effective the work of the department in connection with sweat shops; with the sanitation of food producing establishments; the regulation of street trades; the provision of temporary floors during the construction of high buildings; the enforcement of the child labor law. Various new bills and amendments to the present law, have been prepared by the department covering the subjects mentioned. . . . To keep pace with the augmentation of its duties, arising from this and other sources, a commensurate enlargement of the department force is necessary. I, therefore, solicit your careful consideration of the factory inspection report, and the legislative measures which will be submitted to you this session, in connection with its recommendations." 9 Jan. '07, p.43

- c **Mass. Guild.** "It is evident that legislation is necessary providing that any employee of the commonwealth becoming cognizant in his official capacity of a violation of the factory laws or of any laws of the commonwealth should be permitted to report such violation to the district police." 3 Jan. '07, p.19

- d **Minn. Johnson.** "In connection with the subject of labor legislation, I also wish to submit to you the desirability of increasing the number of labor inspectors, not only for inspection of shops and factories, but for prevention of child labor and enforcement of the truancy laws, to the end that there may be an inspector in each of the nine congressional districts of the state." 9 Jan. '07, p.43

2040

e **Neb. Mickey.** "The results accomplished by the Bureau of Labor and Industrial Statistics are not satisfactory and are not commensurate with the cost of maintenance. So far as I have been able to observe the entire history of the bureau has been a disappointment. If you think best to continue the department I recommend that the services of the clerk be dispensed with, as the Deputy Commissioner and the stenographer constitute ample office force." 3 Jan. '07, p.16

f **N. H. Floyd.** Recommends abolition of Labor Bureau.

3 Jan. '07, p.17

g **N. Y. Hughes.** ". . . Prior to 1901 the Bureaus or Departments of Labor Statistics, Factory Inspection, and Mediation and Arbitration were separately organized. In that year they were consolidated into the present Department of Labor, but this was accomplished without a suitable revision of the law and some confusion has resulted. Not only should the law be carefully revised, but provision should promptly be made to increase the efficiency of the department by thoroughly equipping it for its work. . . There is urgent need for more inspectors. It is utterly impossible for the present force to meet the requirements of the law, and whatever increase is necessary to secure the enforcement of the important provisions of the statutes regulating the conditions of labor should be supplied without delay. To attain proper efficiency the work should be specialized and positions and salaries should be graded." 2 Jan. '07, p.22-23

h **W. Va. Dawson.** Investigation of peonage and labor conditions. 17 Jan. '07, p.3-35

2052

Safety of employees

See also 2125, Employers liability

a **Col. Buchtel.** "Another subject which you will need to consider is the necessity of requiring railways and all employers who use machinery to adopt all possible safety appliances to protect men who work with machinery. . . All possible methods of preventing accidents, and all established checks on the work of train despatchers, and all humane rules about reasonable hours of labor should be included in this safety appliance law. . ."

8 Jan. '07, p.24

2063

Mines

See also 2020, Mines and mining

a **Mon. Toole.** ". . . I recommend the enactment of a law providing for the regulation of the ventilation and sanitation of the mines under the authority of the State Mine Inspector. . ."

8 Jan. '07, p.15-16

b **Mon. Toole.** ". . . In his report the Coal Mine Inspector makes the following recommendations, which seem to be reasonable and in the interest of operators and operatives alike: That all coal mine managers, superintendents, foremen, bosses, fire bosses

LABOR

of coal mines, whether the mines be rated as gaseous or not, be required to undergo examination before an examining board, and secure certificates. That the foreman of a mine be required to visit every part of a working face every other day, so as to be personally familiar with all of the conditions of the property for which he is responsible. That timber cut and squared at both ends be delivered at the mouth of working, so that it may be at hand in case of urgent need. That the driving of entries and crosscuts be regulated as to their distances from each other, etc. That standing or stagnant water shall not be allowed to remain in courses, entries, travelways or rooms, and that no obstruction of any nature shall be placed in crosscuts, rooms or entries used as airways; and in case of falls and caves, in such places, that they be removed at once. That for the purpose of ascertaining the volume of air traveling in the mine and the face of each working place, the foreman or other person in charge shall be compelled to take the measurement at least once a week, and make monthly reports of the same to the State Inspector; this law to apply to all mines employing 15 or more men underground. That provision be made for the periodical testing of coal mine scales. That the answering of statistical interrogatories sent out by the department to coal mine operators be made compulsory. That all laws regulating coal mines be provided with fine and imprisonment penalties, so as to avoid whenever possible the resort to an injunction, which closes down the property, throws the miners out of employment and stops the output of the mine. That the handling of explosives and blasting in the coal mines be regulated by law."

8 Jan. '07, p.16-17

2064

Health and comfort of employees

- a U. Cutler. ". . . For the greater safety of miners, the inspector recommends some changes in the law, and I heartily approve his suggestions. He states that in his opinion the law should prohibit the firing of powder in large mines in the daytime. Also that the increase in the application of electricity for lighting, ventilating, and the operation of machinery, necessitates the passage of laws to prevent danger from high tension wires. I also urge, in line with his recommendations, that the law be so amended as to apply to metalliferous mines, as well as to coal mines; and that it be made to include all coal mines, instead of exempting, as at present, mines employing fewer than six men. . ."

15 Jan. '07, p.23

2085

Hours

See also 2113, Employment

- a U. S. Roosevelt. "I call your attention to the need of passing the bill limiting the number of hours of employment of railroad employees. The measure is a very moderate one and I can conceive of no serious objection to it. Indeed, so far as it is in our

power, it should be our aim steadily to reduce the number of hours of labor, with as a goal the general introduction of an eight hour day. There are industries in which it is not possible that the hours of labor should be reduced; just as there are communities not far enough advanced for such a movement to be for their good, or, if in the tropics, so situated that there is no analogy between their needs and ours in this matter. . . But the wage workers of the United States are of so high a grade that alike from the merely industrial standpoint and from the civic standpoint it should be our object to do what we can in the direction of securing the general observance of an eight hour day. . . Half holidays during summer should be established for government employees; it is as desirable for wage workers who toil with their hands as for salaried officials whose labor is mental that there should be a reasonable amount of holiday."

3 Dec. '06, p.14-15

2092

Sunday labor

See also 929, Sunday observance

- a **Mass. Guild.** ". . . If women and children are to be forbidden night work, all workers of all ages and sexes should be given, as far as possible, the one day's rest in seven especially demanded for a people of strenuous application and high strung nervous activity. Where work of necessity and emergency enforces employment on Sunday, an opportunity should be given the Sunday toiler for some other day of rest." 3 Jan. '07, p.19-20

2097

Railways

- a **Fla. Broward.** "I would further recommend that a statute be passed prohibiting the railroads operating in this state from keeping any employee in continuous service, either as engineer, conductor, brakeman, flagman, station agent or operator, for more than 16 consecutive hours, and that no such employee, after 16 consecutive hours of service, shall be permitted to again go on duty without having had at least 10 hours off duty; except in cases of emergency, such as accidents or wrecks, or delayed schedules. And that the average number of hours daily service for station agents and operators should be limited to not more than 10 hours per day, especially as in many cases the station agent is also operator and charged with the duty of dispatching trains, and in some cases also bridge tender." 2 Apr. '07, p.20
- b **Ia. Cummins.** "I invite your earnest attention to the danger incident to the practice of allowing or requiring men in the railway service to work continuously so long that they can not exercise the care essential to their own safety and to the safety of the traveling public. . . I recommend the enactment of a law that will fairly and reasonably limit continuous service of employees engaged in the movement of railway trains."

14 Jan. '07, p.35

LABOR

2097

- c **S. D. Crawford.** ". . . A bill is pending before Congress to limit the continuous employment of these men [railroad employees] to 16 hours. A law of the same kind should be enacted here and should provide a respite of eight hours to the employee who has been continuously at work for 16 hours before he can be again called out. Not only does the bodily health of the men demand this, but the safety of the public require it."

8 Jan. '07, p.29

2098

Street railways

- a **R. I. Higgins.** "I . . . would submit for your consideration . . . a law reenacting the 10 hour law for motormen and conductors passed at the January session in 1902, having in view the safety of the public. . ."

3 Jan. '07, p.22

2100

Wages

See also 742, Garnishment

- a **Fla. Broward.** "I would not be understood as recommending the lessening of wages paid to any employee, but would recommend that the railroads be prohibited from paying less than the average wage paid to laborers and employees of other corporations or individuals for the same class of labor or employment."

2 Apr. '07, p.23

2113

Employment

2115

Free employment bureaus

- a **Mich. Warner.** ". . . The law permits the establishment of these free [employment] bureaus only in cities having a population of 50,000 or over, and the provision made for their support necessarily limited the work to the cities of Detroit and Grand Rapids. . . The recommendation of the commissioner that the operations of this law be extended to all cities having a population of 40,000 and over, thus bringing the benefits of the system nearer to the rural population, is worthy of careful consideration."

3 Jan. '07, p.7

- b **Minn. Johnson.** ". . . The success of this experiment at Minneapolis would seem to warrant the opening of other free employment agencies, at least at such large industrial centers as St Paul and Duluth; and I submit to you that the general industrial interests of the state and the success of the experiment justify such expansion."

9 Jan. '07, p.42-43

2117

Women

- a **Ct. Woodruff.** "Many thousands of women and girls are employed in the shops, factories and stores of this state. The conditions of their labor, the sanitary and moral surroundings of such workers need attention in many places. I call this matter to your attention and recommend that your honorable body consider the advisability of authorizing the appointment of at least one woman deputy factory inspector."

9 Jan. '07, p.13

1900

- f Tenn. Patterson. Protection of game. 7 Jan. '07, p.9
Recommendation renewed as to fish. 1 Apr. '07, p.3

1906

License to hunt or fish

- a Fla. Broward. "I . . . strongly recommend the enactment of a statute similar to the one introduced at the last session, establishing a graduated license tax upon the fish industry. I do this not for the purpose of raising revenue, but to provide a means for the enforcement of such regulations in regard to inspection and observance of the closed and open season, and methods of taking, as are now provided or may hereafter be provided."
2 Apr. '07, p.46
- b N. M. Hagerman. ". . . The passage of a new game law providing for the license system, which has been adopted in 36 states, is urgently needed. The plan for raising funds for the protection of game by the sale of licenses, has proven the most successful thus far devised. The funds derived from this source are in many states very considerable and are usually used directly for the protection of game. The protection of our wild animals and birds is a matter of great importance, and I urgently recommend that you pass a license law, which will make it possible for the Game Warden to afford such protection in fact as well as in theory."
21 Jan. '07, p.40-41
- c U. Cutler. "I would also recommend that an annual fee of at least \$1 be charged resident hunters and fishermen."
15 Jan. '07, p.23

1909

Game

See also 1856, Noxious animals

1913

Big game

1919

Deer

- a N. H. Floyd. "In some sections of the state where there is no open season, deer have multiplied rapidly, and do great damage to growing crops. The law which protects them at all seasons of the year without in any way compensating farmers and gardeners for the injury they do, can, I think, wisely be changed."
3 Jan. '07, p.14
- b Vt. Bell. ". . . Our laws should operate not only to the pleasure of the sportsman, but to the profit, (or surely not to the loss,) of the landowner who often suffers inconvenience and actual damage when his fields are made a runway and his crops a forage for wild game. Deer are an esthetic attraction when a part of the landscape picture in forest or pasture, but the poetry of the situation is lost to the farmer whose grain fields are trampled down and crops destroyed. Cattle and sheep frequently become wild in the back pastures and the farmer's dog is often trained to drive them and all other intruders from his master's

f **Mass. Guild.** "The medical examination of minors engaged in industrial pursuits is working well in England and other countries. I suggest for your consideration whether minors with weak lungs or hearts or eyes or joints should longer invite premature deformity or death in occupations dangerous to their physical development. Town after town already is reporting the beneficial effect of medical inspection of children in the schools. Shall not Massachusetts lead also in medical inspection of the children in our factories? . . ."

3 Jan. '07, p.20

g **Mo. Folk.** "Child labor is the enemy of civilization. It goes hand in hand with ignorance and with crime. This evil exists to an alarming extent in many if not all of the manufacturing states. I have visited many of the factories of our own state, and have seen numerous instances of little children working away at the looms or in some other capacity. . . The state is interested in these children, for they will be the future citizens of the commonwealth, and the state is concerned in having them good citizens and not bad citizens. Instead of sacrificing them in the hopper of greed they should be at school, acquiring an education, and fitting themselves for the duties of citizenship in the years to come. I recommend rigid child labor laws, and I assure you they will be strictly enforced within this state if I have the power to enforce them."

2 Jan. '07, p.17

h **Mon. Toole.** ". . . If the vote of two years ago on the amendment prohibiting the employment of children in underground mines may be taken as an indication, there can be no possible doubt of the people's approval of legislation designed to make impossible here the horrors of the sweatshops, the cotton factories and other large employing concerns as they are known in so many of the states to the east of us. The experience of these communities in wrestling with the problem may well be a warning and an incentive to Montana to make a duplication of the fearful situation forever impossible in this state. In prohibiting child labor in the mines, Montana has done well, but the state should go farther. It might prohibit the employment of children under a given age in any factory or shop; prohibit the permission of children to work, without which provision the former enactment would be of little effect; prohibit the night labor of children; and evolve a plan whereby the provisions of the law could not be evaded by false statements as to the ages of children sought to be employed. This latter situation might be met by amending the present school law so that a duplicate copy of the school census for each district in the state should be furnished to the Bureau of Agriculture, Labor and Industry, or such department as might be deemed advisable in the opinion of the Assembly. These statistics, furnished in the first instance by parents or guardians of children, should be made conclusive evidence as to the age of the child employed or about to be employed. . ."

8 Jan. '07, p.32-34

1961

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- a Col. McDonald. "The rapid development of our coal areas in the past few years has added greatly to the responsibilities of our Coal Mine Inspector, who is now operating under a law passed 20 years ago, which provided for only one deputy. . . He should be provided with two more deputies by this session of

the principles of right and humanity, should receive your careful attention and favorable action." 18 Jan. '07, p.8

c Ct. Woodruff. "Many strong legal minds differ on the provisions that should enter into a bill to regulate the liability of an employer for accidents to employees. The question ramifies into every department of manufacture and labor and I would recommend that it be referred for investigation to a special committee to consist of an employer of labor, a representative of labor, and a lawyer, none of whom should be a member of the General Assembly. Such a committee should hold public hearings and make a report of its recommendations for action by this General Assembly. . . ." 9 Jan. '07, p.10

d Ind. Hanly. "The classification contained in the employers liability law as respects corporations other than railroads is too narrow, so narrow in fact as to make doubtful the validity of the statute. . . Its defects can be reached by amendment. . . The classification mentioned in section 1 should be broadened so as to include all persons, natural and artificial, except municipal corporations. . . In this connection I desire also to commend to your consideration the enactment of a statute that shall establish the principle of comparative negligence in all personal injury cases. The rule of comparative negligence is a just and humane one. However grossly negligent the employer may be, the employee is now precluded from recovering damages in any case where his own negligence has contributed, however slight the degree, to his own injury. This is a harsh and an unjust rule. It should be modified to the extent suggested." 10 Jan. '07, p.57

e Ia. Cummins. "The rules of law which in this state govern the liability of an employer to employees are, in many respects, flagrantly unjust to the employees. They need careful revision. At the last session of Congress, a statute was passed which gave expression to an enlightened view of one phase of the subject, so far as interstate commerce is concerned. This statute has recently been declared unconstitutional, solely because the court believed that the states, and not the general government, had the power to deal with the matter. Without going into detail, I recommend the passage of a law which will be the substantial equivalent of the act adopted by Congress." 14 Jan. '07, p.22

f Minn. Johnson. Extension of employers liability act. 9 Jan. '07, p.42

g N. J. Stokes. "The report of the Commission on Master and Servant will be presented to you at this session. The law on this subject is largely judge made, and has become a mass of legal subtleties more fruitful of controversy and litigation than capable of doing justice. . . The employer should know the extent of his liability to his employee, and the workman should be reasonably certain of compensation in case of injury, without the risk of losing his case in court and his situation as well."

8 Jan. '07, p.19-20

the Legislature of that state in 1905, makes the flotation of these fraudulent schemes and the distribution of misleading statements to bolster them up, a felony punishable by imprisonment for a term not exceeding two years, or a fine of not more than \$5000, or by both fine and imprisonment. A bill providing for the punishment of the promoters of these nefarious schemes was drafted by distinguished representatives at the American Mining Congress, and adopted by that body for recommendation to the various state Legislatures. Its provisions are similar to those of the California statute already referred to. I would strongly urge in the interest of honest, legitimate mining, that a similar law be enacted in Utah. For while our state has been freer than some others from these schemes, it is most desirable that steps be taken to rid the community of the few now being floated, and to prevent, as nearly as may be, any recurrence of such frauds. I shall be pleased to submit to your committees on mines and mining, if desired for their information and assistance, the California statute and the proposed bill adopted by the Mining Congress."

15 Jan. '07, p.43

2027

Fraud. Larceny

a **Col. McDonald.** "You will doubtless have presented to you for your consideration a bill looking towards the punishment of people who are trying to promulgate [fictitious mining] companies. . . . If such a law is enacted, you should display great care and judgment in its provisions. All mining people are not dishonest. . . . Many a man honestly believes he has found a 'good thing,' but has not the money with which to develop it, so organizes a company and disposes of enough stock to make further developments. His judgment is not sustained, and it proves a failure; the money has been honestly expended and the promoter has been honest in his intentions and disappointed in the result. Such a man should not be made amenable to a 'fraud law.' . . . It will be necessary for you to draw exceedingly fine distinctions, or you may do an irreparable damage to one of our most profitable and legitimate resources."

3 Jan. '07, p.15

b **Wy. Brooks.** ". . . A general movement for the suppression of fake mining companies and the sale of worthless mining stock is in progress in most of the intermountain states. The investment of capital in mining enterprises would undoubtedly be encouraged by the enactment of a protective measure on the same general lines as that observed in other states." 10 Jan. '07, p 20 21

2040

Labor

See also 354. Convict labor

a **Ct. Woodruff.** "In my opinion the Factory Inspectors and the Labor Bureau should be placed under one head. At the present time the Labor Bureau has five agents in this state, who are

CHARITIES

2134

Labor disputes

See also 749, Injunction

2136

Conciliation and arbitration

- a U. S. Roosevelt. "The commission appointed by the President October 16, 1902, at the request of both the anthracite coal operators and miners, to inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite regions of Pennsylvania and the causes out of which the controversy arose, in their report, findings, and award expressed the belief 'that the state and federal governments should provide the machinery for what may be called the compulsory investigation of controversies between employers and employees when they arise.' This expression of belief is deserving of the favorable consideration of the Congress and the enactment of its provisions into law. . ."

3 Dec. '06, p.16

2140

Charities

See also 60, State institutions; 335, Corrections; 1761, Fraternal beneficiary societies

- a S. D. Crawford. "I found that in the management of the Soldiers' Home, the Reform School and the Hospitals for the Insane and Feeble Minded, much difficulty is experienced in securing efficient help, such as matrons, laborers, attendants, cooks and household servants, because the wages which the management is permitted to pay are not high enough to meet the competition from the outside. . . The appropriations to pay for help of this kind should permit the state to pay wages high enough to secure the best service, and hold it against outside competition."

8 Jan. '07, p.7

2142

State boards and officers

- a Ill. Deneen. "The State Board of Public Charities desires to make an exhaustive study of the question of charity administration in America and abroad. It asks an appropriation of \$4000 to do this work. I approve the recommendation, and suggest that, if the Legislature grants the appropriation, the Board of Charities make a specific report to the next General Assembly. . . I approve of the plan of the State Board of Charities to amplify and modernize its own office service to make it in keeping with the improved service provided for the institutions under its supervision."
- b Minn. Johnson. "Since the creation by law of the board of control, the state has pursued the policy of divided authority in the management of the Minnesota School for the Deaf and Blind and the State Public School. I believe that the management of these institutions ought to be exclusively under the board of control. . ."

9 Jan. '07, p.10

9 Jan. '07, p.49

2142

c **N. D. Sarles.** "I feel satisfied the state board of control system, including our penal and charitable institutions, would be valuable to this state in various ways. . . Under our present system there is, in my opinion, entirely too much buying at local retail prices and too great a tendency to local dictation of management. I am fully satisfied a competent board of control, giving, as in Wisconsin, all their time to their duties, would be an absolute benefit to our state and its penal and charitable institutions. . . ." 9 Jan. '07, p.9-10

d **S. D. Crawford.** "Another matter which I find to be the cause of some dissatisfaction in the administration of these institutions is the curtailment of the power of the head of the institution to act within his sound discretion upon matters of detail in the administration of the institution under his care in the absence of the supervising member of the controlling board. I believe that the head of the institution, if worthy to have it in his charge and keeping at all, should be intrusted with the power to take the initiative in matters of local administration, subject, of course, to the right of the controlling board to overrule him in case of abuse of discretion. . . ." 8 Jan. '07, p.8

2143

State institutions (general)

a **Me. Cobb.** "A fire occurred in the laundry of the Asylum for the Insane at Augusta last fall which not only caused a severe pecuniary loss and much inconvenience; but demonstrated beyond a doubt that the water supply for the extinguishment of fire was altogether inadequate. It is of the utmost importance that the asylums be fully protected against disasters of this nature, for the consequences of an uncontrolled conflagration there would be most appalling. . . Prompt action should be taken to secure water in such quantity and of such power that all apprehension of danger from this source may be removed." 3 Jan. '07, p.10-11

b **N. C. Glenn.** "It has been wisely suggested that the state authorize the issuing of \$2,000,000 worth of bonds . . . and with the proceeds put all of the public buildings and institutions, especially those for the care of our afflicted, in first-class condition, and sufficient for their requirements for years to come. . . The new bonds would only be issued as they were wanted, and the improvements in our institutions would be made permanent, and not patched as at present. . . Much as I am ordinarily opposed to a bond issue, I can see the wisdom of the above suggestion, and if the demands require it, believe it should be adopted by you. . . ." 9 Jan. '07, p.42

c **N. C. Glenn.** "As the law now is in some institutions, no officer, employee, or agent can be elected by the directors, unless nominated by the superintendent; thus making the appointee under obligations to the superintendent. In all cases the superin-

CHARITIES

tendents are the secretaries of the boards, and sit with them even though investigating their conduct or management, and in one institution the directors can trade with themselves. All of this is wrong, and should be corrected. The directors should in fact direct, and elect all officers, etc., so that they would not be under obligations to the superintendents. The superintendents ought not to be the secretaries of the boards, but should at each meeting make their reports and retire, unless requested to remain, thus leaving the directors free and unembarrassed by their presence; and no director or superintendent should ever be allowed to trade with the institution they represent—thus avoiding even the appearance of evil. . .” 9 Jan. '07, p.43

2144 Local boards, officers and institutions

- a N. M. Hagerman. “It is undoubtedly true that all the charitable institutions which receive appropriations from the territory are very worthy in themselves and accomplish most excellent results, it is also true that some of them are more than local in their character, and do not confine their operations to any one county or municipality. There are others, however, that are almost purely local, and it does not seem that all the taxpayers of the territory should be called upon to support them. If the policy of supporting such local institutions at territorial expense is continued, its limitation, with the continuous growth of the territory, will be very difficult. . .” 21 Jan. '07, p.17

2145 Private charities and institutions

- a Kan. Hoch. “. . . A large number of private institutions of a charitable nature are also partly supported by funds from the state treasury. This policy has always been open to criticism. Its wisdom has often been questioned; but conceding its wisdom, its imperfection in operation must be admitted. Some of these institutions may not need help, while other similar institutions in the state, equally as worthy, are not assisted at all. . . I think the whole matter should be placed in the hands of the State Board of Control, or at least the indorsement of that board should be necessary before money is appropriated to any of these institutions. In this connection I wish to call attention to another matter. Representatives of so called private charities are constantly going about the state soliciting contributions to their institutions. Many impostors, representing no institution at all, impose upon the charitably disposed people of the state in this manner. If some legal method could be devised by which these solicitors would be compelled to have the indorsement of the State Board of Control, it would be a great protection to legitimate institutions as well as to the people.” 8 Jan. '07, p.23-24

power, it should be our aim steadily to reduce the number of hours of labor, with as a goal the general introduction of an eight hour day. There are industries in which it is not possible that the hours of labor should be reduced; just as there are communities not far enough advanced for such a movement to be for their good, or, if in the tropics, so situated that there is no analogy between their needs and ours in this matter. . . . But the wage workers of the United States are of so high a grade that alike from the merely industrial standpoint and from the civic standpoint it should be our object to do what we can in the direction of securing the general observance of an eight hour day. . . . Half holidays during summer should be established for government employees; it is as desirable for wage workers who toil with their hands as for salaried officials whose labor is mental that there should be a reasonable amount of holiday."

3 Dec. '06, p.14-15

2092

Sunday labor

See also 929, Sunday observance

- a **Mass. Guild.** ". . . If women and children are to be forbidden night work, all workers of all ages and sexes should be given, as far as possible, the one day's rest in seven especially demanded for a people of strenuous application and high strung nervous activity. Where work of necessity and emergency enforces employment on Sunday, an opportunity should be given the Sunday toiler for some other day of rest." 3 Jan. '07, p.19-20

2097

Railways

- a **Fla. Broward.** "I would further recommend that a statute be passed prohibiting the railroads operating in this state from keeping any employee in continuous service, either as engineer, conductor, brakeman, flagman, station agent or operator, for more than 16 consecutive hours, and that no such employee, after 16 consecutive hours of service, shall be permitted to again go on duty without having had at least 10 hours off duty; except in cases of emergency, such as accidents or wrecks, or delayed schedules. And that the average number of hours daily service for station agents and operators should be limited to not more than 10 hours per day, especially as in many cases the station agent is also operator and charged with the duty of dispatching trains, and in some cases also bridge tender." 2 Apr. '07, p.20
- b **Ia. Cummins.** "I invite your earnest attention to the danger incident to the practice of allowing or requiring men in the railway service to work continuously so long that they can not exercise the care essential to their own safety and to the safety of the traveling public. . . . I recommend the enactment of a law that will fairly and reasonably limit continuous service of employees engaged in the movement of railway trains."

14 Jan. '07, p.35

CHARITIES DEFECTIVES

2182

Placing out. Care of infants

- a **Ill. Deneen.** "Acting under the law for the visitation of children in family homes, in force July 1, 1905, the State Board of Charities appointed an agent and secured two visitors from the Civil Service Commission. The work of these employees has disclosed conditions which prove there is need of such a law. This branch of the Board of Charities service should be amplified. New legislation is required providing that children not having legal guardians be reported to the clerk of the proper court, that legal guardians may be appointed; that there shall be no transfer of guardianship until such transfer shall have been approved by a court of competent jurisdiction and that 'baby farms' and 'lying-in hospitals' be subject to inspection and certification by the State Board of Charities."

9 Jan. '07, p.9

2183

Defectives

See also 2220, Education

- a **N.M. Hagerman.** "The New Mexico Institute for the Blind is located at Alamogordo, and the Asylum for the Deaf and Dumb is at Santa Fé. Both institutions have very handsome, well constructed buildings, modern and up to date in every respect. . . . Either of these buildings would be quite sufficient to take care of all the deaf, dumb and blind children whom the territory should be called upon to educate, for many years to come. The two efficient chief teachers now employed in both should be able to as successfully educate their respective classes of unfortunate children in one, and the expense of maintenance per capita, with the same food and comforts, would be greatly reduced. Certain of the teachers and all of the employees could administer to the needs of all the inmates.

I therefore strongly recommend that these two institutions be amalgamated into one; that the Institute for the Blind at Alamogordo be changed into the 'Institute for the Deaf, Dumb and Blind,' and that the laws necessary to bring about this change be enacted."

21 Jan. '07, p.21-22

2184

Deaf and dumb

2186

State institutions

- a **Minn. Johnson.** "I believe, also, that some statutory provision should be made providing for compulsory education of the deaf and dumb children of the state. It is estimated that there are at least 150 children in the state who have never attended the institution for the education of the deaf and dumb; and that upwards of 40 children who have attended the school at times, and who probably belong there now, are not in attendance."

9 Jan. '07, p.49

2117

- b U. S. Roosevelt. Renews recommendation for an investigation of child and female labor throughout the country. 3 Dec. '06, p.15

2118

Children

See also 2172, Children (dependent and neglected); 2270, Compulsory attendance

- a Ala. Jelks. "The law which you passed at your last session restricting child labor in the mills was not sufficiently reformatory of old methods and has not been very effective. I take it this subject will be carefully treated by you in the interest of the future manhood and womanhood of this state." 8 Jan. '07, p.15
- b Ala. Comer. "There is quite a development of cotton mills and mining interests in the state, and in both of these, particularly the former, boys and girls of tender age can be used. The best interest of the state demands that there should be a limitation of age and state supervision of their employment. On the farm and in other outdoor work a continuance of labor is impossible on account of the vicissitudes of the weather. I suggest, therefore, that you introduce a graduated limitation of age, and also some method with regard to the introduction of compulsory education; thus, not only breaking into the possible continuity of indoor work, but also giving the advantages of education. At the same time, I will caution you that a great many people have gone to the mills to work because they have found by experience that they can earn more money and do better there than they can elsewhere, and in large families they can better take care of themselves with their earning capacity there than elsewhere, and it is a very serious matter for the state to assume the guardianship as to how and when these people shall work and direct and dictate to them by methods of law as to whether they shall not work where they think to their best interest. . ." 15 Jan. '07, p.21
- c Ala. Comer. "It is just and right that you should provide an effective method for enforcing the child labor law. . ." 9 July '07, p.16
- d Fla. Broward. ". . . You should enact a child labor law at this session which will prevent the growth of this evil and effectually check and crush out such as does exist in this state. . ." 2 Apr. '07, p.39
- e Me. Cobb. "I especially urge you to change and improve the laws bearing upon the question of child labor in this state. Maine is lagging here and the children themselves are helpless. You must be their champions, and neither the thoughtlessness of parents nor the indifference of employers must be permitted to interfere with the performance of the state's manifest duty to provide, as best she may, for the moral, physical and educational welfare of these children to whom unfortunately so many of the pleasures and opportunities of childhood are denied." 3 Jan. '07, p.12

erating brain power, many insane persons can not undertake intellectual work, but they are capable of learning the manual arts. The medical value of such work is that it gives employment to otherwise idle people. The picture of hundreds of idle insane persons, cherishing horrible delusions, sitting hour after hour in long gloomy corridors, is one not soon to be forgotten. Employment is a blessing to them. It tends to relieve them of hallucinations and delusions. On the economic side, industrial reeducation is of value, because in many cases patients can return to the home and perform productive labor, thus relieving the state of caring for them, and the tasks that they perform while in the institution are a source of income to the state. Work at which chronic insane can be employed is common labor, farm, garden and kitchen work, manufacture of institution supplies, plain sewing, crotcheting, lace making, carpet weaving, rug making, etc. Shops for the employment of the insane could be constructed and equipped for \$8000 to \$20,000 each. Many insane patients already are employed in our institutions. I favor the employment of all insane who are physically capable of it." 9 Jan. '07, p.5-6

c **Kan.** Hoch. "The suggestion of Mrs Cora G. Lewis, visiting member of the Board of Control, for the purchase of lands adjacent to our state hospitals for the insane, to be cultivated by harmless inmates of these institutions, seems to me to have much merit. The suggestion seems to be wise not only from a financial standpoint but also from the standpoint of the best physical and mental good to these unfortunates, and I recommend the subject to your favorable consideration." 8 Jan. '07, p.23

d **Minn.** Johnson. ". . . In the treatment and care of our insane population we have not paid that attention which we ought to the treatment of new cases, and have occupied ourselves rather with the matter of detention; and because of this policy our hospitals for insane have for many years had a congested population which made it impossible to devote the necessary and required attention toward the cure of the inmates. Every needed facility should be afforded and the various hospitals made to conform as largely as possible to the general hospital idea. . . A large element of the population of our insane hospitals includes a class of patients who are perfectly harmless and incapable of any improvement through medical treatment. Many of these could be as well cared for in the various counties from which they come as at the hospitals for insane. Practically all that the state can do for them in their present locations is to supply food and raiment, and their presence retards the general scientific work of the caring for insane people. Then too, the hospitals include a certain population known as the dangerous and criminal insane. The board of control recommends the construction of a building for the detention of classes in question, with necessary legislation to make legal commitments and transfers thereto, and advocates

2118

- i **Neb. Mickey.** “. . . The employment of children of tender years in factories, stores, theaters, concert halls, saloons, and in even worse places, is a crime against youth and if persisted in will have a serious effect upon the body politic. I recommend that an adequate law be enacted upon this subject and that there be coupled with it such a compulsory education section as can be made effective.” 3 Jan. '07, p.22
- j **N. Y. Hughes.** “I recommend to your careful consideration the important subject of child labor. Laws for the protection of children, in securing to them their right to an elementary education and in surrounding them with appropriate safeguards, make a special appeal to humane sentiment, and nothing should be left undone to give them full effect. Children under 16 should have an eight hour day. Such a provision will not only furnish protection from excessive strain, but will also aid the administrative officers in their enforcement of the law. I also recommend that in order to protect children against dangerous employments there should be a more precise prohibition specifying the occupations in which children under 16 shall not be employed. General prohibitions as to such matters are apt to be found inoperative. . .” 2 Jan. '07, p.23
- k **N. C. Glenn.** “. . . Only one suggestion will I at this time make in regard to child labor, and that is, that children who can not read or write shall not work in factories until they are 14. . .” 9 Jan. '07, p.15
- n **U. S. Roosevelt.** “. . . There is, however, one law on the subject which should be enacted immediately, because there is no need for an investigation in reference thereto, and the failure to enact it is discreditable to the national government. A drastic and thoroughgoing child labor law should be enacted for the District of Columbia and the territories.” 3 Dec. '06, p.15

2125

Employers liability. Insurance

See also 1732, Insurance; 1762, Industrial insurance

- a **Ala. Comer.** “I recommend laws giving to employees of common carriers in this state rights and remedies equal to those given by the recent act of Congress to employees of interstate carriers.” 15 Jan. '07, p.12
- b **Ark. Little.** “The state government owes to her laboring people, employed in dangerous vocations, to pass all proper and needful laws to secure to them the best possible protection against loss of health and life, and to secure to them or their families, in cases of death, the right to recover in damages proper compensation for all injuries received while in the discharge of their duties under their employment, not the result of their own negligence, but received as the result of the negligence of their employers or fellow servants. These propositions, based upon

CHARITIES DEFECTIVES

2198

Pueblo. But the overcrowded condition of the asylum demands more buildings somewhere. The quickest and most humane method of relieving the congestion is to buy a farm and build inexpensive cottages and thus give to the harmless insane an opportunity to live in the open and to do a little work. This would restore some of them to sanity." 8 Jan. '07, p.30

b Pa. Stuart. ". . . We have not kept pace in the last 10 years with the rapid increase in the number of cases of this character, and as a consequence the state institutions for the insane are much overcrowded. . . Therefore, I most earnestly recommend that immediate consideration be given the question of providing additional accommodations, not only to relieve present conditions, but also to allow for the increase during the next few years. . . ." 15 Jan. '07, p.4-5

c S. C. Heyward. ". . . Today our State Hospital has accommodations for 1000 patients, but during the past year nearly 400 patients in excess of its capacity have been crowded within the buildings. . . Another building is now imperatively required. . . The state can no longer afford to allow the present overcrowded conditions at the asylum to continue. In considering the future welfare of our insane, I am convinced that it would be a wise policy on the part of the state to consider the proposition by the Regents to purchase additional land a short distance from the city for the double purpose of a colony for chronic insane and also for farming lands for the support of the hospital. . . ." 8 Jan. '07, p.14-15

d S. D. Elrod. ". . . A duplicate building should be erected without delay for the women. In one room 20 by 21 feet I found 10 beds. The room was scrupulously clean and neat but it is a living shame that 10 sick, insane people should be compelled to sleep in the same room. . . ." 8 Jan. '07, p.19-20

e S. D. Elrod. "The last session of the Legislature located an additional hospital for the insane at Watertown to be constructed upon land now belonging to the state, provided no money should be appropriated for building a new hospital until there should be in the hospital at Yankton the proper maximum of 1000 patients. I recommend that the Board of Charities and Corrections be authorized to select the site for the buildings to be hereafter erected on said land and, as soon thereafter as such selection has been made, that they employ a landscape gardener to lay out the grounds and plant trees; that said board should also be required to plant an orchard of not less than 5 acres on the said lands, and that the cultivation and care of said trees and orchards from the time they are planted should be under the control of said board, and that a sufficient appropriation be made for the above named purpose." 8 Jan. '07, p.21

2199 Institutional boards, officers and employees

- a Wash. Mead.** "The duty of promoting means for the recovery of patients committed to the state hospitals for insane is paramount to the obligation of providing places for their detention and restraint. . . The state, for humanitarian and economical reasons, can well afford to invite the leading alienists of the commonwealth to perform this important work. The inadequate salaries now provided are, however, a serious handicap in extending the efficiency of our institutions to improve the condition of the insane."

14 Jan. '07, p.22

2202 Private asylums

- a Or. Chamberlain.** "Within the past few years a number of private asylums or hospitals for the care of the insane have sprung into existence, and many patients are being treated in them. Without intending any reflection upon the present management of any one of them but rather to guard against abuses that may arise in the conduct of such institutions in the hands of irresponsible or cruel persons, a law should be passed placing all such institutions under the compulsory visitorial power of some state authority. Such a course will tend to prevent cruel practices against those who are insane in fact, and remove the temptation afforded mercenary or otherwise interested persons to keep troublesome relatives shut in from the world. . ."

16 Jan. '07, p.25

2205 Inquest. Commitment. Discharge

- a Ill. Deneen.** ". . . Under the present law, except in the case of voluntary patients, it is necessary to receive a patient in a hospital, to have a person specifically adjudged insane in a County Court and committed as insane to a hospital. Many persons hesitate to have a relative declared insane. Some look upon this as a disgrace, but, as insane persons are only sick persons, it merely is a misfortune. However, to facilitate quick treatment of suspected, incipient or acute cases of insanity, I believe the lunacy laws of Illinois should be amended to provide for temporary commitments to hospitals for the insane, for periods of 30 days. These commitments should be made by county judges upon the recommendation of a commission of licensed practicing physicians. In this way the misfortune of commitment as insane would be avoided in many cases which would recover in the 30 day period and return to a productive life. If, during the 30 day period of observation and treatment, insanity of longer duration develops, then the regular commitment as insane could be made. Alienists estimate that 20 to 30% of the chronic, incurable insane stood a good chance of cure at the onset of their disease, by means of immediate treatment in a modern hospital; and that from 60 to 75% of the acute, supposedly curable cases could have been cured by such treatment. Under existing conditions of delay only

CHARITIES DEFECTIVES

5 to 7% of all cases of insanity admitted to hospitals are discharged as cured. I favor an amendment framed in the hope of increasing this percentage of cures. . . . 9 Jan. '07, p.7

2210

Epileptics

2213

State asylums and colonies

- a Cal. Pardee. ". . . In my judgment, the Legislature should make provision for establishing an epileptic colony at the Home for Feeble-Minded. In this way many patients now improperly in our insane asylums would be given care and attention which they can not receive in the asylums. . . . 7 Jan. '07, p.22
- b Col. McDonald. ". . . If a new hospital is decided upon, provision should be made for the care of epileptics in a separate building." . . . 3 Jan. '07, p.9
- c Ill. Deneen. ". . . Proper state care for this unfortunate class [epileptics] calls for segregation in a separate institution. For this purpose, the State Board of Charities has recommended an appropriation of \$365,000. I approve this recommendation." . . . 9 Jan. '07, p.8

2215

Feeble-minded

- a Wy. Brooks. "The Board of Charities and Reform has, from time to time, had applications for the care and education of feeble-minded children. The difficulty encountered by the board in this connection has been that of finding a school within reasonable distance, and at which charges are not excessive, where this class of unfortunates may be sent. . . . The result has been that it has become necessary to have some cases of this class sent to the State Hospital for the Insane. . . . This arrangement is manifestly an unsatisfactory one, and is by no means such as the Board desires. Our laws upon this subject are incomplete, and such legislation is recommended as will more clearly define the duties of this board in reference to cases of this kind, and will suggest a method for their proper care." . . . 10 Jan. '07, p.38

2218

State institutions

- a Minn. Johnson. "I also call your attention to the report of the superintendent of the school for the feeble-minded and colony for epileptics. According to this report, it appears that at the present time the institution is incapable of receiving and caring for a large number of people who properly belong there. He states that there are now 200 applicants upon the waiting list, and that if applications continue to be filed in the future as they have in the past, the number of applicants unable to be accommodated will reach at least 400 during the coming biennial period. The welfare of these unfortunate people and society itself requires immediate action looking toward a solution of this condition." . . . 9 Jan. '07, p.49

b N. H. Floyd. ". . . There are now in the institution [School for Feeble Minded] 85 inmates. The accommodations are insufficient and there is no room for more, although there are known to be in the state nearly a hundred who are proper subjects for admission. If these are to be received and cared for, new buildings must be provided. The management is now believed to be in the hands of an efficient board of trustees, and if the number of inmates be doubled the cost of maintenance per inmate can be largely reduced, and the purposes of the founders greatly promoted. To provide for this new buildings must be erected and the cost of operation increased. Indeed, it does not appear how the expense can ever be decreased, as the pressure for admission will continue and few of the inmates can safely be discharged capable of taking care of themselves. The only choice is between keeping them for life or setting them free, to trouble the community and reproduce their kind." 3 Jan. '07, p.12-13

c Or. Chamberlain. "The Legislature at its last session passed an act to authorize the State Board of Building Commissioners to ascertain the cost and to purchase and pay for the necessary grounds and to take the initiatory steps toward the establishment of an institute for feeble-minded and epileptic children. The board, acting under the authority of this statute, appointed Mr Geo. W. Jones, Superintendent of the Oregon Institute for the Blind, to visit institutions of other states, with the view of ascertaining conditions in order that we might proceed intelligently here along the lines which are being followed elsewhere. . . I earnestly recommend that prompt action be taken along the lines pointed out by the board in their report."

16 Jan. '07, p.28-29

d R. I. Higgins. "My attention has been called by responsible citizens to the necessity and propriety of establishing a home for the feeble-minded, epileptics, etc., within the borders of the state. . . It is believed by those thoroughly conversant with this question that the state could build and maintain within its borders a separate home for all such persons at less cost than \$15,000 per annum, that being the present expense to the state. . . I therefore recommend the appointment of a committee of the Legislature to inquire into the results attained in the separate state homes established elsewhere, and to report to this Legislature upon the necessity and advisability of establishing such a home in this state."

3 Jan. '07, p.18-19

e U. Cutler. ". . . I would strongly urge provision for these unfortunates, [feeble-minded children] by the establishment of a school under such regulations as you, in your wisdom, may deem advisable, where they may be taught the common branches, and trained in such handiwork as will remove at least a portion of the disability under which nature has placed them. As to this school being connected with the public schools or other state institutions,

EDUCATION

or entirely separate from them, I should like to consult with you. Epileptics could also be kept in this institution. It is said that in the country at large one person in every 500 is an epileptic. I think this proportion does not hold good in Utah; but there are enough of them, in addition to the class here mentioned, to warrant the establishment of an institution where they can be specially taught and treated. . ."

15 Jan. '07, p.16-17

2220

Education. Science. Culture

See also 2184, Deaf and dumb; 2188, Blind

- a **Ga. Terrell.** "The Educational Conference of Business Men, which convened in the Senate chamber May 24, 1907, and which was composed of 50 prominent business men . . . makes the following recommendations, which I think are not only deserving of the approval of business men, but of all the people, viz: 1st. Larger funds; 2d. The securing of trained and efficient teachers, and the payment to them, regularly, of living salaries, at least; 3d. Better local and state supervision; 4th. Vital connection between our elementary schools and our higher institutions; 5th. Proper support of the district agricultural schools. . ."

26 June '07, p.14-18

- b **Ga. Terrell.** "The plan for state and county supervision of our schools as proposed by the resolutions adopted by the State Educational Association, at its meeting in April, 1907, seems to be a well considered plan. . . The principal features of this plan are: 1st. A professional State Board of Education in lieu of the present ex officio one, composed of statehouse officers. 2d. Efficient county supervision, and, 3d, a more complete and better correlated school system. These are both practical and desirable. . ."

26 June '07, p.18

- c **Ill. Dencen.** Codification of school laws; commission to study other school systems.

9 Jan. '07, p.23

- d **Minn. Johnson.** ". . . Provision should be made for the appointment of at least two state inspectors of semigraded and rural schools receiving special state aid, for the purpose of safeguarding and properly distributing and using the money granted by the state for the betterment of these schools. . ."

9 Jan. '07, p.34

- e **N. M. Hagerman.** ". . . The school laws of New Mexico have been frequently revised and remodeled. In doing this they have become unnecessarily bulky; many contradictions and inconsistencies can be found in them. In some places the language is such that the trained lawyer interprets it doubtingly. The law has served a good purpose, but it would do much for the cause of education if the Legislature would create a small, competent commission to cooperate with the Territorial Board of Education in making a complete revision or rewriting of the existing laws."

21 Jan. '07, p.30

2149

Poor relief

See also 260, Vagrancy; 2406, Pensions and relief

2155

Poorhouses

2157

Local institutions

- a** W. Va. Dawson. "I have been asked to call your attention to the deplorable condition of the paupers in some of our county poorhouses. I understand that the practice is still in vogue in some counties of selling out the keeping of these unfortunate people to the lowest bidder; and certainly it is true that in the caring for of these persons there is greater effort to save money than to consider their welfare. The conditions affecting these unfortunate of our fellow citizens are not such that we can boast of, and it is submitted that these conditions would be bettered generally, with probably less expense to the taxpayer, if two, three or more adjoining or adjacent counties would join in the maintenance of central infirmaries for the housing and caring for of the poor." 8 Jan. '07, p.111

2160

Sick and disabled

See also 1020, Communicable diseases

2165

Hospitals

See also 1042, Tuberculosis hospital

2166

State hospitals

- a** Wash. Mead. ". . . The time has arrived when we are frequently coming in contact with the aged, the infirm, the maimed and the helpless who from injuries sustained or from the wear of years are incapable of maintaining themselves, and who are without relatives and friends who should assume the responsibility of their care. A state infirmary or some similar institution should be provided for such purpose. . ." 14 Jan. '07, p.23

2172

Children

See also 346, Reform; 371, Juvenile offenders; 474, Family; 2118, Employment

- a** Cal. Pardee. "Educational work is also needed along the line of remedying the physical deficiencies of children during the school age, and especially in relation to the deficiencies of dependent children cared for in orphanages. Many of these are handicapped for life for want of simple treatment given at the right time, and, for the lack of such treatment, paupers, criminals, and human failures abound where self-respecting and self-sustaining citizens would otherwise have resulted." 7 Jan. '07, p.28

EDUCATION

2220

pensation of no county superintendent shall be less than \$300 per year.

3. The abolishment of the office of school director.

4. The substitution of a county board of education to consist of five members, who will have full control of employment of teachers and exercise all powers now conferred by law upon the school directors.

5. A law requiring the County Courts to divide each county into five school districts, one member to be elected from each district by the qualified voters thereof, those elected to constitute the board of five."

7 Jan. '07, p.5-7

Recommendation renewed.

1 Apr. '07, p.2

j **Wash.** Mead. "I am in accord with the leading educators of the state in the belief that a commission should be appointed to recodify the school laws of the state, and that provision be made for the systematic inspection and supervision of high schools by the State Department of Public Instruction; also that expert supervision of school district finances be prescribed."

14 Jan. '07, p.38

2223

Elementary and secondary education

a **Fla.** Broward. Renews recommendations for requiring teachers to report monthly on work and attendance, such reports to be compiled by state superintendent annually, copies of report be furnished every teacher; revision and codification of school laws with special reference to accounting and checking of school money; uniform courses of study; uniform system of textbooks.

2 Apr. '07, p.28-30

b **Mo.** Folk. ". . . There should be efficient supervision of the rural schools in every county of the state. Experience has shown that the rural schools can not keep pace with the city, town or village schools unless they can be frequently visited by an efficient and helpful supervisor. Only 19 counties of the state have county supervision. Eight months should be the minimum of schools in each district if a levy of 65 cents on the hundred dollars valuation is sufficient therefor. Higher qualifications for teachers should be constantly insisted upon. The teachers should be paid as much as the school fund can reasonably afford. . . ."

2 Jan. '07, p.18-19

c **N.H.** Floyd. ". . . There is good ground for believing that a large number of our common schools are going backward rather than forward. They need better teachers and more of them; they need a longer school year, and they need more businesslike and competent supervision. Money spent on good schools is money well invested, and the state must not grudge doing willingly that part of the maintenance of the schools which it falls to the lot of the state to do. But every appropriation

2186

- b N. C. Glenn. ". . . A great effort ought, therefore, to be made to get all these unfortunate little ones into this School [for the White Deaf and Dumb], even if it requires a quasi compulsory law to make them enter. . . . A fire escape for both white and colored [deaf, dumb and blind schools] is an imperative necessity, and a failure to protect these little helpless ones in case of fire would be criminal. Some needed repairs on roof and ceiling, and in raising one building a story higher, will be requested, and, I think, should be granted. . . ."

9 Jan. '07, p.37-39

2188

Blind

- a Ill. Deneen. "There are in Illinois 5000 blind persons not in state institutions. I recommend an appropriation of \$1000 to buy books for the free use of these unfortunates. Other states, notably New York, have such libraries. . . ."

9 Jan. '07, p.10

2193

Insane

See also 60, State Institutions

- a Cal. Pardee. ". . . There is a growing conviction among hospital authorities the country over that better work ought to be done toward effecting permanent cures of patients suffering from mental ailments. Our hospitals have been taking good physical care of patients intrusted to their charge, but they have all been overcrowded and have not been supplied with up to date appliances for the proper treatment of the patients. There is not a state hospital in California today that is fully equipped. All of them should be, and I respectfully commend to the Legislature the wisdom, economy, and humanity of making appropriations for each of the five institutions sufficient in amount to build and equip suitable cottages for the care and effective treatment of acute cases. . . ."

7 Jan. '07, p.20-21

- b Ill. Deneen. ". . . There are two broad, general classes of the insane, the acute hopeful and the chronic incurable cases. For hopeful cases, the water treatment, known as hydrotherapy, already has been installed in some of the institutions, and I hope will be extended speedily to others. By means of this treatment, many incipient and acute cases of insanity are cured, and the patients, instead of becoming lifelong inmates of hospitals, with the curse of insanity upon them, and placing a burden upon the state, return to their homes as productive members of society. The installation of the bath treatment costs from \$3000 to \$40,000 for each institution, according to the number of acute curable cases received. I heartily favor the extension of this system of treatment to all state hospitals receiving acute cases. Industrial reeducation is possible for 40 to 70% of all insane persons in the Illinois hospitals, chiefly the chronic insane. Industrial reeducation means training to work with the hands. Because of degen-

EDUCATION

2230

- b **Minn. Johnson.** “. . . Legislation should be had looking to better educated and better paid county superintendents of schools, and provision for their election or appointment on a nonpolitical basis. . . .” 9 Jan. '07, p.34
- c **N. M. Hagerman.** “. . . In city schools the most important employee is the superintendent. The same is true for a county with its 10, 20, or 70 teachers. The county superintendent is the most important factor in our school administration. The most competent, from an educational standpoint, should be placed in this office. The tendency in all the older states is to remove this office from politics. I recommend that such legislation be had as will, at the close of the terms of the present incumbents, secure the most competent, regardless of political affiliation; also legislation that will make women eligible to this office. The salaries of county school superintendents should be readjusted. . . .” 21 Jan. '07, p.30
- d **S. D. Elrod.** “The county board of education as now constituted is composed largely of men who are not educators and who are not engaged in educational work. It is my opinion that the membership of the county board of education should be cut down and limited to the county superintendent and experienced teachers.” 8 Jan. '07, p.8
- e **S. D. Elrod.** “County superintendents have too much on their hands. This is especially true in some of our large and densely populated counties. It seems to me that it would be advisable in counties where the population is more than 8000 to allow the county superintendent to appoint an assistant who should hold a first grade certificate and in addition should be a stenographer.” 8 Jan. '07, p.8

2231

District, township and municipal

- a **Vt. Proctor.** “. . . Skilled supervision is the only method by which we can secure anything like uniformity of work, improve our teachers, accomplish better results, and assure full returns for money expended. It is only through this method that drawing, music, industrial arts and sciences, and other subjects essential to the broad education of our children can be introduced. . . . County supervision was tried in Vermont from 1889 to 1901 and was not satisfactory. The county unit was as much too large as the town is too small. . . . The group system is in operation in Massachusetts and has recently been introduced in other New England states. Under this system two or more towns may form a supervision district, such district not to exceed a maximum or fall below a minimum number of schools. The school directors from the several towns forming such a district elect a superintendent, each town paying its proportion of the expense according to its grand list. If this method of supervision were introduced town superintendency in those towns would be done away with and considerable expense saved. . . .

2193

a sufficient appropriation to maintain it. This recommendation should either be followed or provision should be made at the state prison for their detention there. The convict or criminal insane should certainly not be allowed to mingle with the non-criminal insane. Insanity is certainly not a crime. It is a disease, and should be treated as a disease; and there is no good excuse for the commingling of this class of patients with that other class of patients of whom there is hope of improvement by medical treatment. I would especially call your attention to that portion of the report of the board of control dealing with proposed new buildings at the various hospitals for insane. . . ."

9 Jan. '07, p.48-49

- e Neb. Mickey. ". . . I deem it important that the chapter of our statutes dealing with the insane be revised, that the three asylums be placed on exactly the same footing. . . . That there be no distinction in the character of the patients received at either institution, and that the state be conveniently districted so that each asylum shall receive the patients coming from its own district. The word "incurable" is almost brutal in its suggestion and it should be omitted from the title of any and all of the asylums."

3 Jan. '07, p.12-13

- f N. C. Glenn. ". . . The General Assembly should provide not only suitable and sufficient hospitals for the indigent insane, but for all — giving, of course, under the law, the preference to the indigent, and requiring the nonindigent to pay enough to reimburse the state for its actual expense in caring for them. . . . Humanity demands that the state should take care of all these classes, except the harmless idiots, and for these strong laws should be enacted, requiring their counties to properly care for them, unless provided for by their own people. It is a fatal mistake not to care for the epileptics, for often they are the most dangerous of all classes. Hundreds of these unfortunate persons are incurable; but this does not lessen our legal and moral obligation to provide for them. There are others who with proper treatment and good surroundings can be cured and return restored in mind to home and family. The state can afford to take all insane persons out of the common jails and county homes and properly treat them in hospitals provided for that purpose. . . . It has been suggested that the State's Prison is not now needed for convicts, and could be made an elegant hospital for the epileptic and dangerous insane; and I would advise that you appoint a committee, and have them, together with suitable architects, to inspect the building and see if this plan is feasible."

9 Jan. '07, p.39-41

2198

State asylums

- a Col. Buchtel. "The conditions at the Asylum for the Insane call for quick action. We ought not to build any more buildings to house the insane in the midst of the railroad tracks at

the present system that it authorized me to appoint a committee to consider and report to the Legislature the propriety of submitting a proposed amendment to the Constitution by which a direct tax could be levied for the support and maintenance of such institutions instead of the present system. This committee has been appointed, and if, when its report is submitted, the exigencies shall require it, my recommendations will accompany its transmittal to you." 8 Jan. '07, p.28-29

- e **Neb.** Sheldon. Ways and means of expending United States forest reserve fund for benefit of public schools and public roads. 28 Jan. '07

- f **N.M.** Hagerman. ". . . Experience shows that the best system of raising money for educational purposes is a judicious combination of state and national aid with local taxation. This territorial appropriation might be made on condition that it be reasonably supplemented by local levies. Our laws providing for special levies are amply sufficient, if the people will use them. But, only a comparatively small portion of country districts avail themselves of this privilege. In short, local taxation for school purposes is very small. But some people do not know the value of education. Those that do can not afford that these, their neighbors and fellow citizens, remain ignorant. Therefore, as a matter of self protection, they must help to get the ignorant wakened up to their privileges." 21 Jan. '07, p.31-32

- g **Pa.** Stuart. ". . . With our matchless progress in material wealth our state revenues must rapidly increase, and we can safely advocate the policy of making much larger appropriations to our educational system, thereby practically relieving the farms and homes of the state, as far as possible, from taxation for school purposes. . . Therefore I most earnestly recommend such largely increased appropriations to the public schools as in the judgment of the Legislature the financial condition of the state will justify." 15 Jan. '07, p. 5-6

- h **S.C.** Ansel. ". . . It is true that many of the graded schools are kept open for nine months in the year by the help of the special taxes voted upon themselves by the taxpayers of the particular school district, but many of the small schools in the rural districts are in session but for three or four months in the year. Realizing that most of the children, who attend these schools, are receiving from them all the school advantages that they will ever get, are we doing our full duty to them? Are we thus fitting them for all of the duties of an intelligent citizenship? . . . You have no more important matter that will come before you, and I recommend that liberal appropriations be made for the common schools." 15 Jan. '07, p.4

- i **S.D.** Elrod. ". . . The present system is a safe and conservative one. Then why experiment with schemes which would expose this great fund to an army of grafters? It would cer-

2240

tainly follow if the state should withdraw school lands from sale and should undertake to lease school lands for farming purposes."

8 Jan. '07, p.30-33

j S. D. Crawford. "While the unsold school lands are steadily advancing in value, it is very doubtful wisdom to go on selling them. In my judgment, the best of these lands should be taken from the market, and I heartily agree with the recommendation of the commissioner that the minimum price be raised to \$20 per acre. . ."

8 Jan. '07, p.9-10

k Tex. Campbell. ". . . I hereby designate and present to you for your consideration and for legislation, the following subjects. . . To make necessary amendments and changes in the law regulating the sale of school lands and the placing of school lands on the market for sale, and to prescribe regulations in the sale of mineral land with the reservation of the mineral thereon, and to make such other changes and amendments to the law regulating the sale and leasing of school lands as may be deemed necessary."

22 Apr. '07

2241

Investment of funds

a Ct. Woodruff. "The school fund now amounts to about \$2,000,000 the money being invested in loans and first mortgages upon real estate. . . As a broad proposition I do not conceive that there will be any quarrel with the suggestion that it is not properly the business of the state to compete in the money loaning field. A large part of the school fund is not invested in Connecticut, but in states somewhat remote from here. . . Savings banks and other large financial institutions are making a majority of the gilt edge loans in their own localities, and it seems an unwise policy to compete with them at home and more unwise to enter a foreign field. . . It is my conviction that the state's best interests will be conserved if the school fund be abolished by amendment to the state Constitution. . . At a date not later than 1910 the moneys accruing to the school fund should be distributed to the towns of the state in such proportion as the next national census will be found to enumerate the children of school age therein, the towns to agree under bond to repay those moneys to the State Treasurer whenever the state shall deem it wise to recall such loans."

9 Jan. '07, p.13-14

b Minn. Johnson. ". . . The law now provides that loans to school districts for the erection of school buildings shall be at a rate of 4% per annum, and at the same time provides that this fund may be loaned for the construction of ditches for drainage at 3% per annum. It is not fair that the institutions for which this fund is created should suffer by this discrimination. It is hardly fair to provide a higher rate of investment for the schools of the state than for other purposes. . ."

9 Jan. '07, p.35

c Neb. Mickey. "In his biennial report the Commissioner of

Public Lands and Buildings recommends that deferred payments on public land sale contracts be placed on a 5% basis, instead of 6%, as at present. For the reason that an abundance of private money can be obtained at the lower rate on farm loans the purchasers of state lands are rapidly paying up back principal, taking a deed and negotiating private loans at less expense. The result is a loss to the interest revenue of the state because it is impossible to reinvest the funds in permissible securities bearing nearly so good a rate as 5%. The commissioner also suggests that the Constitution be amended so as to permit of the investment of the permanent school fund in other securities additional to government, state and county bonds, and state warrants. The opportunity to invest in such securities as the Constitution now permits is being rapidly curtailed, for various reasons, while the amount of money which the state has for such investment is increasing and will so continue. I concur with the commissioner in both these recommendations."

3 Jan. '07, p.14-15

d **Neb.** Sheldon. ". . . The Constitution of the state will not permit the permanent school fund to be invested in any other securities than registered county bonds of this state, and United States and state securities. The field for investment of this fund should be enlarged. There are other forms of investment equally as safe that would increase the interest return to the fund. If it were invested in municipal bonds, school bonds, or in Nebraska mortgages, the state would be benefited on account of the interest being paid at home."

3 Jan. '07, p.38

e **Nev.** Sparks. ". . . The bonds in the Treasury, except Nevada bonds, net the school fund about 2% or less, and rather than pay the high rate of interest many land contractors are paying up on their lands. This money must go into the state school fund and be invested in bonds of no more productive value than the lowest securities we now hold. An amendment to the Constitution is needed, increasing the power of investment of state funds, and instead of restricting investments to 'bonds of the United States, the bonds of this state, or the bonds of other states in the Union,' as provided by the Constitution, the power should be given to invest at least a portion of the funds in county bonds, municipal and other bonds based on community taxation, which shall be under control of the state, and governed by the state. This would benefit the borrower by allowing him a lower rate of interest, and would give the state a higher rate than is now received. The state of Massachusetts has been pursuing this policy for years. Towns and cities desiring to negotiate loans for the purposes of sewerage, parks or water supply do not have to go into the market and take what they can get for their bonds, but can go to the state board, and upon a proper showing the state accepts the municipality for the amount and issues state bonds sufficient for the purpose. . . ."

21 Jan. '07, p.16-18

2241

f **N. D. Burke.** "The moneys realized from the sale of school lands have increased enormously and, under the Constitution and the law, the same may be invested in first mortgages on real estate, not exceeding one third the value of the land. This I regard as the best possible investment. . . I am informed, however, by farmers who have made application for loans, that there was so much 'red tape' about it and so much delay that they were obliged to abandon the loan and borrow the money from the bank and loan agents. The law in this respect ought to be simplified. . ."

9 Jan. '07, p.10

g **N. D. Sarles.** "I recommend also the adoption of Minnesota's system of noncoupon school bonds where purchased by the board of university and school lands for investment for institution and public school funds. Under the Minnesota system the interest is collected by the State Treasurer issuing receipts annually to county treasurers for the various amounts, and the county treasurer charges them to the school treasurer."

9 Jan. '07, p.8

2242

Apportionment

a **W. Va. Dawson.** ". . . This [school] fund has always been distributed on population. I think part of it at least ought to be distributed according to need. Let it be provided in the law that whenever the people of a district, or of a county (if you adopt the county as a unit of taxation for the teachers fund), levy taxes upon themselves for the payment of teachers up to a certain amount, then if that rate of taxation does not provide sufficient money to pay the wages of teachers, the deficiency shall be provided from the general school fund. The present distribution per capita goes to help the richer parts as well as the poorer parts. It seems to me to be more in accordance with the purpose of the distributable school fund to distribute according to need."

8 Jan. '07, p.62

2244

County, district and municipal

a **Tex. Campbell.** ". . . As an appropriate aid to the public schools, and especially to the rural schools, I suggest that a constitutional amendment, authorizing a county ad valorem school tax, be submitted to the voters. This principle as applied to our necessities, had its origin in the mature judgment of some of our foremost educators, and is indorsed by the following platform expression: 'We recommend that the plan of county taxation for school purposes be adopted. . .'"

16 Jan. '07, p.13-14

2245

Debts

a **N. M. Hagerman.** "The records in the several counties and school districts, in reference to county and school district bonded indebtedness in past years, has been very loosely kept. The proper records are now being placed in the offices of the respective county treasurers; but to insure proper records I would

EDUCATION

recommend that a law be enacted requiring proper officers of both county and school districts, when issuing new bonds, refunding old bonds or funding floating indebtedness, to file in the office of the Traveling Auditor a certificate setting forth in full the transactions, and giving full data regarding the amount of the issue, the law under which issued, the number and amount of respective bonds, date, maturing and optional period, rate of interest and purpose for which bonds were issued. In the case of refunding floating indebtedness, a full and complete list comprising such indebtedness, and such information and data to be entered in a record provided for that purpose in the office of the Traveling Auditor."

21 Jan. '07, p.43

2246

Negroes

See also 2247, 2330

- a Fla. Broward. ". . . I deem it best, and therefore recommend a resolution memorializing the Congress of the United States to purchase territory, either domestic or foreign, and provide means to purchase the property of the negroes, at reasonable prices, and to transport them to the territory purchased by the United States. The United States to organize a government for them of the negro race; to protect them from foreign invasion; to prevent white people from living among them on the territory, and to prevent negroes from migrating back to the United States. I believe this to be the only hope of a solution of the race problem between the white and black races, as I can see no ultimate good results that can accrue from the education of a race, without planting in their being the hope of attaining the highest position in government affairs and society. In fact, I can see no reason to expect that any man can be made happy by whetting his intelligence to that point where he can better contemplate or realize the hopeless gulf that must ever separate him and his race from the best things that the dominant race (who employ him as servant) have in store for themselves. I believe that any person so situated would grow miserable, in proportion as he increased in intelligence. I believe that we should consider the fact that the negroes are the wards of the white people, and that it is our duty to make whatever provision for them would be best for their well being. . . ."

2 Apr. '07, p.61-63

- b Ga. Smith. "The negro child should be taught manual labor and how to live. The negro teacher should be selected less by book than by character examination. The negro school to be useful needs less books and more work. I favor a complete change in the examination of teachers for the negro schools, and for them a different plan of management; I would have the schools help the negro, not injure him. . . . I seek the intelligent treatment of the negro, and to that end the radical difference between the white and negro races must be kept in view. . . ."

29 June '07, p.18-19

2246

c **Kan. Hoch.** “. . . The race problem . . . is largely an educational problem. . . The interests of the white and black alike, therefore, demand that everything possible be done to lift them into ideal citizenship. The educational problem, therefore, is a most serious one. It must be solved, if solved at all, by colored schools. Practical men of both races realize this fact. State aid extended to this class of schools is therefore along the line of practical statesmanship, and I commend to your favorable consideration the two institutions which former Legislatures have generously helped. . . .” 8 Jan. '07, p.21-22

d **S. C. Heyward.** “. . . The report of this college will be promptly submitted to your body, and in giving it your consideration, I trust that you will urge that it shall be more and more what its name implies—a colored normal, industrial, agricultural and mechanical college—eliminating all other branches.”

8 Jan. '07, p.10

e **U. S. Roosevelt.** “. . . In every community the poorest citizens, those who need the schools most, would be deprived of them if they only received school facilities proportioned to the taxes they paid. This is as true of one portion of our country as of another. It is as true for the negro as for the white man. The white man, if he is wise, will decline to allow the negroes in a mass to grow to manhood and womanhood without education . . . Of course the best type of education for the colored man, taken as a whole, is such education as is conferred in schools like Hampton and Tuskegee; where the boys and girls, the young men and young women, are trained industrially as well as in the ordinary public school branches. . . .”

3 Dec. '06, p.10-11

2247

Teachers

2253

Employment. Pay

2254

Salaries

a **Ala. Jelks.** “. . . Teachers are underpaid. The fund will never be sufficient until an ambitious youth can hope to realize from teaching an income which will compare favorably with the earnings of men engaged in other profitable pursuits. They are doing the world's next greatest work and the sums many of them receive are inadequate pay for their great and successful labors. Their product is finer than that turned out by the furnace or the forge; of larger value than that from pick or shovel, or what comes as fruit of loom or spindle. It becomes us to see to it that so delicate a work is committed to competent hands, and that they may be competent, it is reasonable that provision be made for the care and comfort of the workers.”

8 Jan. '07, p.12-13

b **Cal. Pardee.** “Almost any active, intelligent man or woman can earn more money in private employment than our teachers

do. The natural result is that too many of our best teachers, especially men, are deserting the schoolroom for other employments. We need more men teachers, and all our teachers ought to be more contented with their positions than they can be with the salaries we pay them. . . I therefore recommend to the Legislature the amendment of the school law so that the pay of teachers shall increase a certain fixed sum, say \$10 per month, at intervals of, say, five years of continuous service. . ."

7 Jan. '07

- c **Fla. Broward.** ". . . If there must be a difference in the qualification of teachers, let rural schools have the benefit of it, as the results of inefficiency are much more serious here than in the city or graded schools. In other words, the work of a teacher is likely to be more effective in a graded school, where she or he is in contact with other teachers, and can observe other methods and standards, than it would be if in a one teacher country school, away from opportunities of comparison and observation. But this sort of teacher is in demand, and it will be only by making their salary adequate that their services can be secured. I would suggest for your consideration, state aid for the salary of teachers of certain standing and proficiency in rural schools. . ."

2 Apr. '07, p.26-27

- d **S. D. Elrod.** "It is a wonder to me that our schools are so efficient when we take into consideration that the average wages paid male teachers in 1906 was but \$42.12 and female teachers but \$38.01. We are undoubtedly increasing the standard of our teachers but are not increasing their pay as we should. Under present conditions, just as soon as a teacher can find some other employment he, or she, quits school work. Low wages make it necessary to employ inexperienced teachers. On account of the low wages paid, many of our schools were closed as late as the first of November for want of teachers. . . Increase wages and the quality and quantity of teachers will improve."

8 Jan. '07, p.7-8

- e **U. Cutler.** "Attention is called by the superintendent to the fact that in some districts the funds which belong exclusively to teachers' salary account are diverted by the trustees to other channels. This practice is decreasing; but in his opinion it prevails enough to justify an amendment to the law providing that amounts so diverted shall be deducted from the next annual apportionment of state or county funds to the offending district."

15 Jan. '07, p.11-12

- f **W. Va. Dawson.** "There is urgent necessity for an increase in the compensation of teachers. I doubt whether the average efficiency of the teachers in our public schools is as high as it was 20 years ago. This is because their compensation has not kept pace with the compensation in other lines of employment. . ."

8 Jan. '07, p.63

2254

- g** **W. Va.** Dawson. ". . . I sympathize with the recommendation of better pay for teachers. Low salaries are likely to command only cheap men, the better going where the compensation is greater. If necessary let us have fewer teachers so we can have better teachers, and consequently better work done."

8 Jan. '07, p.99

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- a** **Tex.** Campbell. Recommends that the Agricultural and Mechanical College, the College of Industrial Arts for Girls, and the State Normal Colleges be authorized to grant diplomas having the force of teachers certificates to graduates in the industrial courses.

16 Jan. '07, p.14

2266

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e **Tenn. Patterson.** "In regard to the proposition to appropriate outright \$250,000 to the Peabody Normal School, I call your attention to the resolution passed by the Peabody board, which

2266

I understand has already been presented to you, and the terms of which need not be repeated. From this resolution it would appear that the incalculable benefit to be derived by the permanent location and maintenance of a great institution of learning for the training and equipment of school teachers, depends alone upon an outright appropriation of \$250,000 by the state of Tennessee. This I recommend unhesitatingly. The opportunity should not be lost. . . .” 7 Jan. '07, p.7-8

- f **Wis.** Davidson. “The Legislature of 1899 authorized the establishment of county training schools for teachers. . . . I recommend that the statute restricting the number of such schools be amended so as to grant to additional counties the privilege of establishing and equipping county training schools.”

10 Jan. '07, p.34

2267

Attendance

- a **W. Va.** Dawson. “The report of the State Superintendent of Free Schools shows that a large number of the youth of the state are never enrolled in our schools and a low percentage of daily attendance based on enrolment and on enumeration. Truant laws will help to remedy this great evil, no doubt; but I believe the best remedy is to make every teacher a missionary, and I suggest that this be done by providing that there be added a certain percentage to the wages of the teacher in each district who has the largest attendance based on enumeration, and to the teacher also who has the largest attendance based on enrolment; and if the same teacher in the district has the largest percentage of attendance based on enrolment and enumeration, let the combined increase of wages go to that teacher. Besides this, provide that this teacher shall have a diploma of excellence from the hand of the State Superintendent of Free Schools himself, which diploma shall have a real value to the teacher as counting percentage in the examination for teachers certificates. . . .”

8 Jan. '07, p.62-63

- b **Wis.** Davidson. “. . . By far the most serious hindrance to profitable school work is the one resulting from irregularity of attendance. . . . Irregularity of attendance compared with the fact that but 69% of the strictly rural school population between the ages of 7 and 14 attended school 100 days or more for the year ending June 30, 1906, raises a question for grave consideration. This Legislature must again concern itself with the problem of improving the efficiency of the rural schools.”

10 Jan. '07, p.32-33

Colored pupils, *see* 2246

2270

Compulsory attendance. Truancy

See also 2118, Employment (children)

- a **Ala.** Comer. Compulsory attendance law recommended.

9 July '07, p.15

EDUCATION

2270

- b **Ari. Kibbey.** “. . . Attendance at some school, either public or private, should be made strictly compulsory until the age of 16 is reached, and proper punishment should be provided for parents who neglect or refuse to send their children of certain ages to some school. . .” 22 Jan. '07, p.44-45
- c **Cal. Pardee.** “. . . I recommend legislation requiring incorporated cities and towns to maintain one or more attendance officers, for it is probably in cities and towns that the most serious dereliction of school duty lies. . .” 7 Jan. '07, p.29
- d **Minn. Johnson.** “. . . The labor laws and the compulsory attendance laws should be made to harmonize, and the age limit for attendance should be restored to 16 years, as the experience of the past indicates that it is not practicable to compel the attendance of pupils after the 16th year. Provision should be made also for the appointment of state truant officers, either under the Labor Bureau, Department of Public Instruction, or the Governor directly. . .” 9 Jan. '07, p.34-35
- e **Mo. Folk.** “. . . The compulsory education law is fairly satisfactory. The only amendment that may be needed, is to remedy the conflict between this and the child labor law as to children who are at work. It would, I think, be well to define the duty of the truant officer more closely, and not allow excuses, as a matter of course, for children laboring in factories, for it is better that a child be at school than in a factory.” 2 Jan. '07, p.17-18
- f **S. C. Heyward.** “It has been a disappointment to me that we have not yet passed a law in reference to compulsory education. . .” 8 Jan. '07, p.10-11
- g **Wy. Brooks.** “The statute relative to compulsory education should certainly be amended and enforced. . .” 10 Jan. '07, p.15

2272 Place of attendance. Conveyance of pupils. Consolidation of schools

- a **Fla. Broward.** “The success of the consolidation of country schools into rural graded schools, where it has been attempted, is very marked, and should be adopted wherever the means of transportation make it practicable. By this means the pupils in country districts have the same advantages as the pupils in the graded schools in the city, as they do the same work, follow the same class organization and pass directly from the rural graded schools into advanced grades of the city graded or high schools. . .” 2 Apr. '07, p.27-28

2275

School year, month, day

- a **S. D. Elrod.** “It is my opinion that our public school year is too long. Children ought not to be in the schoolroom to exceed eight months in any one year; teachers ought not to be required

2275

to teach to exceed eight months a year. Then, there is altogether too much theory and too much red tape in our schools. The tendency seems to be to load the child's mind too heavily and with too many subjects. Shorten the term, simplify the work and increase the pay of the teacher." 8 Jan. '07, p.8-9

- b W. Va. Dawson. ". . . I trust that you will increase it [the school term] to six months for the coming term, and provide for an increase to seven months in a short interval thereafter, and then to eight months at least within a reasonable time. . . ." 8 Jan. '07, p.63

2282

Textbooks. Supplies

- a Ark. Little. ". . . The State Board of Education . . . should be authorized to adopt a series of textbooks and course of study for use in our common schools and to fix by contract under proper regulation and restriction a maximum price to be paid for the books so adopted. . . Provision should also be made for supplying books free of cost to the dependent poor, who are unable to buy them, so that the doors of our schools may not be closed against any of our children. In the event a contract can not be made fixing a fair and equitable price for the books when adopted, I recommend in that event provision be made authorizing and empowering said board of education to take such steps as may be necessary to provide for the editing, preparation and printing of textbooks for use in our common schools, and to establish a printing office for that purpose. . . ." 18 Jan. '07, p.5-6

- b Mo. Folk. "The last General Assembly repealed the school textbook commission law, but failed to enact anything in place of it. I call your attention to this and suggest the enactment of a textbook law by which the people may have uniformity in books, not the cheapest, but the best at the lowest possible price." 2 Jan. '07, p.19

2284

Uniformity

- a Ala. Jelks. "The uniform school book law, which was passed at your last session, was made effective in the summer of 1903. . . The aggregate sale in the state on the basis of the new price list averages something like \$200,000 a year. The saving for five years to the people of this state can not hardly be less than 40% or an aggregate of \$400,000. There is added to this argument in favor of the new law the great saving which comes from avoiding repeated changes and the annoyance which parents and guardians suffer from such changes. Moreover, the average boy and girl now has a better book to study than they have known before. It will be necessary for you to provide for a new book commission to continue the operation of this most wholesome and profitable departure." 8 Jan. '07, p.9-11

EDUCATION

2284

- b **Tex.** Campbell. Asks that cities of over 10,000 be not excepted from provisions of uniform textbook law; that there be no exceptions in favor of supplementary books. 16 Jan. '07, p.12
- c **Tex.** Campbell. ". . . I hereby designate and present to you for your consideration and for legislation, the following subjects. . . . To create a state textbook board and to provide for the selection by it of a series of uniform textbooks for use in all the public free schools of the state and prescribing the powers and duties of said board. . . ." 22 Apr. '07

2327

High schools and academies

- a **Ala.** Comer. ". . . I would commend to your careful study and consideration the propriety, at the earliest date possible, of establishing high schools, or their equivalents, in every county in the state, as I deem this one of the most advanced steps we could take towards higher education." 15 Jan. '07, p.35-36
- b **Ala.** Comer. "I would recommend that you make provision for the establishment of high schools in those counties of the state which at present have no state school; leaving the execution of same in abeyance until it is demonstrated that the funds of the state will fulfil the expense." 9 July '07, p.16
- c **Ark.** Little. "There is a growing and pressing need for high schools for our school population outside of our cities and towns, which are already accommodated. Steps should be taken looking to the establishment of these schools. . . . Agriculture and horticulture should be a part of the course of study in these schools. . . ." 18 Jan. '07, p.6
- d **Kan.** Hoch. "Superintendents and principals of our city high schools are confronted with a new difficulty, the growth of high school fraternities. These fraternities should have no place in our high schools. It is difficult enough to keep them within wise limitations in colleges and universities. The essential character of our high school system is democratic. There should be no caste in these schools. . . ." 8 Jan. '07, p.19
- e **S. C.** Ansel. "I . . . ask your especial attention to and consideration of the establishment of high schools in connection with and as a part of the free school system of our state. . . ." 15 Jan. '07, p.4-5

2328

State aid

- a **Ga.** Terrell. "The Constitution prescribes that the General Assembly may only appropriate money for educational purposes to the common schools and the university. The common schools are restricted to the elementary branches of an English education only. . . . I . . . recommend that the General Assembly submit to the people an amendment under which appropriations may be made to high schools." 26 June '07, p.11-14
- b **N. C.** Glenn. "As to his [the Superintendent's] recommendation that \$100,000 be appropriated for the establishment of high

2328

schools, etc., while I will not oppose, still I can not indorse. . . . To me, at this time in our educational growth, every cent available should be spent in reaching the illiterate masses; and later, when the district school is made more efficient, then we can establish others. . . .” 9 Jan. '07, p.28

- c S. C. Heyward. “. . . Superintendent Martin makes a special point of the necessity for making a change in our public schools. His idea is that, at present, the public schools carry children only to seventh and eighth grades, and he thinks that state aid, supplementing school funds, should be given to supply this deficiency. A high school department in our public schools is a fine advance, and I sincerely trust this aid will be given. . . .” 8 Jan. '07, p.10

2330

Higher education

- a N. M. Hagerman. “. . . If the efforts of previous Legislatures had been concentrated on fewer educational institutions, with a view to the greater efficiency of each, we would be at the present time in an infinitely better situation in regard to higher education in the territory than is now the case. These are manifest truths which can not be denied, and while I realize the difficulty, on account of local influences, of bringing about the desired concentration, I believe that such difficulty is not too great to be overcome, and that it is the duty of the Legislature, representative as it is of the interests of the people of the whole territory, to take this matter under serious and careful consideration.” 21 Jan. '07, p.15-18

2332

State institutions (general)

- a Cal. Pardee. “I desire, while speaking of the university, to call attention to the fact that the salaries paid to the teaching force at Berkeley are, in many cases, only to be designated as niggardly, and in but very few even approaching a satisfactory standard. . . . The Board of Regents pays instructors and assistants, most of whom have spent years of time and thousands of dollars in qualifying themselves to teach California's sons and daughters, salaries that are, compared with the wages of mechanics and other skilled workmen, to say nothing of those occupying private positions of even less responsibility and importance than those who teach our young people, shamefully small. . . . California, in her present time of prosperity, is able to pay the university teaching force somewhere near adequate salaries; and, being able, she ought to do it. I therefore recommend to the Legislature that the appropriation for the salaries of the teaching force at the university be increased at least 25%.”

7 Jan. '07

- b Fla. Broward. “. . . I strongly recommend to your consideration the wisdom of providing, by constitutional amendment, if

EDUCATION

recommend that a law be enacted requiring proper officers of both county and school districts, when issuing new bonds, refunding old bonds or funding floating indebtedness, to file in the office of the Traveling Auditor a certificate setting forth in full the transactions, and giving full data regarding the amount of the issue, the law under which issued, the number and amount of respective bonds, date, maturing and optional period, rate of interest and purpose for which bonds were issued. In the case of refunding floating indebtedness, a full and complete list comprising such indebtedness, and such information and data to be entered in a record provided for that purpose in the office of the Traveling Auditor."

21 Jan. '07, p.43

2246

Negroes

See also 2247, 2330

- a **Fla.** Broward. ". . . I deem it best, and therefore recommend a resolution memorializing the Congress of the United States to purchase territory, either domestic or foreign, and provide means to purchase the property of the negroes, at reasonable prices, and to transport them to the territory purchased by the United States. The United States to organize a government for them of the negro race; to protect them from foreign invasion; to prevent white people from living among them on the territory, and to prevent negroes from migrating back to the United States. I believe this to be the only hope of a solution of the race problem between the white and black races, as I can see no ultimate good results that can accrue from the education of a race, without planting in their being the hope of attaining the highest position in government affairs and society. In fact, I can see no reason to expect that any man can be made happy by whetting his intelligence to that point where he can better contemplate or realize the hopeless gulf that must ever separate him and his race from the best things that the dominant race (who employ him as servant) have in store for themselves. I believe that any person so situated would grow miserable, in proportion as he increased in intelligence. I believe that we should consider the fact that the negroes are the wards of the white people, and that it is our duty to make whatever provision for them would be best for their well being. . . ."

2 Apr. '07, p.61-63

- b **Ga.** Smith. "The negro child should be taught manual labor and how to live. The negro teacher should be selected less by book than by character examination. The negro school to be useful needs less books and more work. I favor a complete change in the examination of teachers for the negro schools, and for them a different plan of management; I would have the schools help the negro, not injure him. . . . I seek the intelligent treatment of the negro, and to that end the radical difference between the white and negro races must be kept in view. . . ."

29 June '07, p.18-19

2332

- i **Tenn.** Patterson. "I recommend as liberal a policy as is consistent with our resources toward our State University. . ."

7 Jan. '07, p.7

- j **U.** Cutler. Asks that the State University and the Agricultural College be placed under a single board and that a single appropriation be made for both schools. 15 Jan. '07, p.48-49

2333

Finance. Lands. Support

See also 774, Public lands; 2237, School finance

- a **Minn.** Johnson. ". . . It is a recognized fact that this institution [State University] has been handicapped somewhat by reason of financial policies which have hitherto made it impossible to pay adequate salaries by which men of recognized ability could be employed and retained in the institution, and from time to time we suffer the loss of some of our best teachers by reason of the inability to properly and adequately compensate them. Certainly Minnesota can afford to pay reasonable compensation for this class of service, and to provide means by which we can compete with any educational institution in the country in bidding for talent which would permanently endow our university. . ."

9 Jan. '07, p.35-36

- b **Mo.** Folk. "During the past two years the collateral inheritance tax has amounted to \$518,365.01. This is for the benefit of the State University, and is made available by legislative appropriation. The income from this tax varies greatly from year to year, and as a consequence the university can not count definitely on any fixed sum from it. It would be a better plan to have this tax diverted into the revenue fund and a regular appropriation made for the university from the revenue fund."

2 Jan. '07, p.4

- c **Wash.** Mead. "I invite your attention to that portion of the report of the State Tax Commission which deals with the lands of the State University not included in the so called granted lands. This property should be so handled as to make it available as a security asset, that the state at large thereby may be relieved in some measure from the burden of taxation now made imperative by the needs of the university. I recommend that you enact such legislation as will facilitate this object."

14 Jan. '07, p.38

2334

Instruction. Students

- a **N. D.** Sarles. "I believe the preparatory and normal departments of our State University should be discontinued, and the university be purely as the name implies."

9 Jan. '07, p.11

2335

Admission. Scholarship. Tuition

- a **Col.** Buchtel. ". . . The total income of the state for the biennial period is \$1,600,000. Of that sum we provide \$700,000 for

EDUCATION

2335

the four state educational institutions in four towns. The question is, how can we increase the revenue of these institutions, without neglecting the urgent and absolutely necessary needs of the penal, the reformatory and the benevolent institutions of the state? We can not do it by increasing the taxes. The taxpayer has a right to object, and he does object. The only way out of our difficulty is to make some reasonable charge for tuition in these institutions. . . ."

8 Jan. '07, p.25-29

- b **W. Va.** Dawson. ". . . I think students in the schools of law, medicine, music and the like [in the State University], should be required to pay substantial fees in order that these departments may be made more thorough. It is not right to hold out an inducement to young men that they can obtain a good education in law at the university unless the course there is reasonably thorough. . . ."

8 Jan. '07, p.98-99

2342

Professional and technical education

For examination and licensing *see* 591, Practice of law; 944, Medicine. *See also* 2266, Normal schools

- a **Ga.** Smith. Recommends that several technical and industrial schools located in various parts of the state be not under control of trustees of State University at Athens. 29 June '07, p.20-21
- b **N. C.** Glenn. ". . . At present the College [of Agriculture and Mechanic Arts] is under the directorship of the Trustees of the Board of Agriculture, who must be farmers. . . . They are not mechanics, engineers, etc., and therefore can not know the needs of such industries like men trained to such work. I therefore, after consulting with the trustees, and with their approval, recommend that the control of the college be given to a board of trustees consisting of 20 members, with the Governor ex officio chairman of the board — 10 of said trustees being the Directors of the Board of Agriculture, and the other 10 appointed by the Governor and confirmed by the Senate, and who shall be good moral persons, and interested in mechanical and industrial education. At present there is no room in the dormitories, and 100 boys board in the community. To properly equip the college a central heating and lighting plant is an absolute necessity, and will, in saving of fuel and employees, reduce current expenses. A mechanical building is also needed to do efficient work. . . ."

9 Jan. '07, p.30

- c **Tex.** Campbell. Teaching of the elements of agriculture and the industrial arts in the schools. 16 Jan. '07, p.14

- d **U. S.** Roosevelt. ". . . Our federal form of government, so fruitful of advantage to our people in certain ways, in other ways undoubtedly limits our national effectiveness. It is not possible, for instance, for the national government to take the lead in technical industrial education, to see that the public school sys-

2254

g **W. Va.** Dawson. ". . . I sympathize with the recommendation of better pay for teachers. Low salaries are likely to command only cheap men, the better going where the compensation is greater. If necessary let us have fewer teachers so we can have better teachers, and consequently better work done."

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e **Tenn. Patterson.** "In regard to the proposition to appropriate outright \$250,000 to the Peabody Normal School, I call your attention to the resolution passed by the Peabody board, which

2266

I understand has already been presented to you, and the terms of which need not be repeated. From this resolution it would appear that the incalculable benefit to be derived by the permanent location and maintenance of a great institution of learning for the training and equipment of school teachers, depends alone upon an outright appropriation of \$250,000 by the state of Tennessee. This I recommend unhesitatingly. The opportunity should not be lost. . . .” 7 Jan. '07, p.7-8

- f Wis. Davidson. “The Legislature of 1899 authorized the establishment of county training schools for teachers. . . . I recommend that the statute restricting the number of such schools be amended so as to grant to additional counties the privilege of establishing and equipping county training schools.”

10 Jan. '07, p.34

2267

Attendance

- a W. Va. Dawson. “The report of the State Superintendent of Free Schools shows that a large number of the youth of the state are never enrolled in our schools and a low percentage of daily attendance based on enrolment and on enumeration. Truant laws will help to remedy this great evil, no doubt; but I believe the best remedy is to make every teacher a missionary, and I suggest that this be done by providing that there be added a certain percentage to the wages of the teacher in each district who has the largest attendance based on enumeration, and to the teacher also who has the largest attendance based on enrolment; and if the same teacher in the district has the largest percentage of attendance based on enrolment and enumeration, let the combined increase of wages go to that teacher. Besides this, provide that this teacher shall have a diploma of excellence from the hand of the State Superintendent of Free Schools himself, which diploma shall have a real value to the teacher as counting percentage in the examination for teachers certificates. . . .”

8 Jan. '07, p.62-63

- b Wis. Davidson. “. . . By far the most serious hindrance to profitable school work is the one resulting from irregularity of attendance. . . . Irregularity of attendance compared with the fact that but 69% of the strictly rural school population between the ages of 7 and 14 attended school 100 days or more for the year ending June 30, 1906, raises a question for grave consideration. This Legislature must again concern itself with the problem of improving the efficiency of the rural schools.”

10 Jan. '07, p.32-33

Colored pupils, *see* 2246

2270

Compulsory attendance. Truancy

See also 2118, Employment (children)

- a Ala. Comer. Compulsory attendance law recommended.

9 July '07, p.15

EDUCATION

2270

- b **Ari.** Kibbey. ". . . Attendance at some school, either public or private, should be made strictly compulsory until the age of 16 is reached, and proper punishment should be provided for parents who neglect or refuse to send their children of certain ages to some school. . . ." 22 Jan. '07, p.44-45
- c **Cal.** Pardee. ". . . I recommend legislation requiring incorporated cities and towns to maintain one or more attendance officers, for it is probably in cities and towns that the most serious dereliction of school duty lies. . . ." 7 Jan. '07, p.29
- d **Minn.** Johnson. ". . . The labor laws and the compulsory attendance laws should be made to harmonize, and the age limit for attendance should be restored to 16 years, as the experience of the past indicates that it is not practicable to compel the attendance of pupils after the 16th year. Provision should be made also for the appointment of state truant officers, either under the Labor Bureau, Department of Public Instruction, or the Governor directly. . . ." 9 Jan. '07, p.34-35
- e **Mo.** Folk. ". . . The compulsory education law is fairly satisfactory. The only amendment that may be needed, is to remedy the conflict between this and the child labor law as to children who are at work. It would, I think, be well to define the duty of the truant officer more closely, and not allow excuses, as a matter of course, for children laboring in factories, for it is better that a child be at school than in a factory." 2 Jan. '07, p.17-18
- f **S. C.** Heyward. "It has been a disappointment to me that we have not yet passed a law in reference to compulsory education. . . ." 8 Jan. '07, p.10-11
- g **Wy.** Brooks. "The statute relative to compulsory education should certainly be amended and enforced. . . ." 10 Jan. '07, p.15

2272 Place of attendance. Conveyance of pupils. Consolidation of schools

- a **Fla.** Broward. "The success of the consolidation of country schools into rural graded schools, where it has been attempted, is very marked, and should be adopted wherever the means of transportation make it practicable. By this means the pupils in country districts have the same advantages as the pupils in the graded schools in the city, as they do the same work, follow the same class organization and pass directly from the rural graded schools into advanced grades of the city graded or high schools. . . ." 2 Apr. '07, p.27-28

2275

School year, month, day

- a **S. D.** Elrod. "It is my opinion that our public school year is too long. Children ought not to be in the schoolroom to exceed eight months in any one year; teachers ought not to be required

2275

to teach to exceed eight months a year. Then, there is altogether too much theory and too much red tape in our schools. The tendency seems to be to load the child's mind too heavily and with too many subjects. Shorten the term, simplify the work and increase the pay of the teacher." 8 Jan. '07, p.8-9

- b W. Va. Dawson. ". . . I trust that you will increase it [the school term] to six months for the coming term, and provide for an increase to seven months in a short interval thereafter, and then to eight months at least within a reasonable time. . . ." 8 Jan. '07, p.63

2282

Textbooks. Supplies

- a Ark. Little. ". . . The State Board of Education . . . should be authorized to adopt a series of textbooks and course of study for use in our common schools and to fix by contract under proper regulation and restriction a maximum price to be paid for the books so adopted. . . Provision should also be made for supplying books free of cost to the dependent poor, who are unable to buy them, so that the doors of our schools may not be closed against any of our children. In the event a contract can not be made fixing a fair and equitable price for the books when adopted, I recommend in that event provision be made authorizing and empowering said board of education to take such steps as may be necessary to provide for the editing, preparation and printing of textbooks for use in our common schools, and to establish a printing office for that purpose. . . ." 18 Jan. '07, p.5-6

- b Mo. Folk. "The last General Assembly repealed the school textbook commission law, but failed to enact anything in place of it. I call your attention to this and suggest the enactment of a textbook law by which the people may have uniformity in books, not the cheapest, but the best at the lowest possible price." 2 Jan. '07, p.19

2284

Uniformity

- a Ala. Jelks. "The uniform school book law, which was passed at your last session, was made effective in the summer of 1903. . . The aggregate sale in the state on the basis of the new price list averages something like \$200,000 a year. The saving for five years to the people of this state can not hardly be less than 40% or an aggregate of \$400,000. There is added to this argument in favor of the new law the great saving which comes from avoiding repeated changes and the annoyance which parents and guardians suffer from such changes. Moreover, the average boy and girl now has a better book to study than they have known before. It will be necessary for you to provide for a new book commission to continue the operation of this most wholesome and profitable departure." 8 Jan. '07, p.9-11

EDUCATION

2284

- b **Tex.** Campbell. Asks that cities of over 10,000 be not excepted from provisions of uniform textbook law; that there be no exceptions in favor of supplementary books. 16 Jan. '07, p.12
- c **Tex.** Campbell. ". . . I hereby designate and present to you for your consideration and for legislation, the following subjects. . . . To create a state textbook board and to provide for the selection by it of a series of uniform textbooks for use in all the public free schools of the state and prescribing the powers and duties of said board. . . ." 22 Apr. '07

2327

High schools and academies

- a **Ala.** Comer. ". . . I would commend to your careful study and consideration the propriety, at the earliest date possible, of establishing high schools, or their equivalents, in every county in the state, as I deem this one of the most advanced steps we could take towards higher education." 15 Jan. '07, p.35-36
- b **Ala.** Comer. "I would recommend that you make provision for the establishment of high schools in those counties of the state which at present have no state school; leaving the execution of same in abeyance until it is demonstrated that the funds of the state will fulfil the expense." 9 July '07, p.16
- c **Ark.** Little. "There is a growing and pressing need for high schools for our school population outside of our cities and towns, which are already accommodated. Steps should be taken looking to the establishment of these schools. . . . Agriculture and horticulture should be a part of the course of study in these schools. . . ." 18 Jan. '07, p.6
- d **Kan.** Hoch. "Superintendents and principals of our city high schools are confronted with a new difficulty, the growth of high school fraternities. These fraternities should have no place in our high schools. It is difficult enough to keep them within wise limitations in colleges and universities. The essential character of our high school system is democratic. There should be no caste in these schools. . . ." 8 Jan. '07, p.19
- e **S. C.** Ansel. "I . . . ask your especial attention to and consideration of the establishment of high schools in connection with and as a part of the free school system of our state. . . ." 15 Jan. '07, p.4-5

2328

State aid

- a **Ga.** Terrell. "The Constitution prescribes that the General Assembly may only appropriate money for educational purposes to the common schools and the university. The common schools are restricted to the elementary branches of an English education only. . . . I . . . recommend that the General Assembly submit to the people an amendment under which appropriations may be made to high schools." 26 June '07, p.11-14
- b **N. C.** Glenn. "As to his [the Superintendent's] recommendation that \$100,000 be appropriated for the establishment of high

2328

schools, etc., while I will not oppose, still I can not indorse. . . . To me, at this time in our educational growth, every cent available should be spent in reaching the illiterate masses; and later, when the district school is made more efficient, then we can establish others. . . .” 9 Jan. '07, p.28

- c S. C. Heyward. “. . . Superintendent Martin makes a special point of the necessity for making a change in our public schools. His idea is that, at present, the public schools carry children only to seventh and eighth grades, and he thinks that state aid, supplementing school funds, should be given to supply this deficiency. A high school department in our public schools is a fine advance, and I sincerely trust this aid will be given. . . .” 8 Jan. '07, p.10

2330

Higher education

- a N. M. Hagerman. “. . . If the efforts of previous Legislatures had been concentrated on fewer educational institutions, with a view to the greater efficiency of each, we would be at the present time in an infinitely better situation in regard to higher education in the territory than is now the case. These are manifest truths which can not be denied, and while I realize the difficulty, on account of local influences, of bringing about the desired concentration, I believe that such difficulty is not too great to be overcome, and that it is the duty of the Legislature, representative as it is of the interests of the people of the whole territory, to take this matter under serious and careful consideration.” 21 Jan. '07, p.15-18

2332

State institutions (general)

- a Cal. Pardee. “I desire, while speaking of the university, to call attention to the fact that the salaries paid to the teaching force at Berkeley are, in many cases, only to be designated as niggardly, and in but very few even approaching a satisfactory standard. . . . The Board of Regents pays instructors and assistants, most of whom have spent years of time and thousands of dollars in qualifying themselves to teach California's sons and daughters, salaries that are, compared with the wages of mechanics and other skilled workmen, to say nothing of those occupying private positions of even less responsibility and importance than those who teach our young people, shamefully small. . . . California, in her present time of prosperity, is able to pay the university teaching force somewhere near adequate salaries; and, being able, she ought to do it. I therefore recommend to the Legislature that the appropriation for the salaries of the teaching force at the university be increased at least 25%.”

7 Jan. '07

- b Fla. Broward. “. . . I strongly recommend to your consideration the wisdom of providing, by constitutional amendment, if

necessary, a fixed limit of minimum and maximum tax levy to be made by the properly designated state authorities after a careful investigation and examination of their needs, for the support of the higher institutions of learning in this state. . . ."

2 Apr. '07, p.32-33

- c Ill. Deneen. Increased appropriations to strengthen the graduate and research departments of the University of Illinois.

9 Jan. '07, p.24-25

- d Kan. Hoch. "I wish to reaffirm the opinion expressed in my last biennial message, that the three state educational institutions should be under the management of one board of regents instead of a separate board for each. Time and experience strongly confirm the opinion. These institutions are each a part of a whole educational system, and should be considered as a unit and built up systematically. . . ."

8 Jan. '07, p.37-38

- e N.H. Floyd. ". . . Its [The New Hampshire College's] annual report is a loud call for more money for current expenses, including higher salaries and more teachers, librarians and other assistants, a new laboratory, general repairs, new boilers and steam pipes, a library equipment, to cost \$10,000, and an appropriation of \$10,000 to complete a girls dormitory, in all something more than \$100,000. In the present condition of the state treasury I think a much less sum should be made to suffice."

3 Jan. '07, p.15

- f N.C. Glenn. ". . . I recommend an increase in the annual appropriation [for the University of North Carolina]; also, enough to erect a suitable medical building. . . ." - 9 Jan. '07, p.29

- g S.C. Heyward. "It seems desirable to me that all the salaries paid to full professors at our various state institutions of learning should be the same. . . ."

8 Jan. '07, p.9

- h S.D. Crawford. ". . . In practice there are no sufficiently clear and well defined limits as to the scope within which a given educational institution is confined to its work. As a result, there is a growing tendency to overlap and to work at cross-purposes; a constant temptation on the part of one to enlarge its plan so as to receive students, who more properly belong to the other. . . ."

I am looking at the matter with perfect impartiality and with a desire to be just and fair to each institution, and I submit that it will be better for each and all of them to have their several courses of study and lines of work so clearly defined, that each will perform its functions in the most acceptable manner to the state without overlapping the work of another, and that they be held strictly to the channels, and the expenditure of public funds in their aid be kept strictly within the limits, prescribed by law. Great care, of course, should be used in fixing these limits so as not to impair the usefulness of each, but they should be made clear and specific and when made, should be strictly adhered to."

8 Jan. '07, p.5-6

2332

- i **Tenn.** Patterson. "I recommend as liberal a policy as is consistent with our resources toward our State University. . ."

7 Jan. '07, p.7

- j **U.** Cutler. Asks that the State University and the Agricultural College be placed under a single board and that a single appropriation be made for both schools. 15 Jan. '07, p.48-49

2333

Finance. Lands. Support

See also 774, Public lands; 2237, School finance

- a **Minn.** Johnson. ". . . It is a recognized fact that this institution [State University] has been handicapped somewhat by reason of financial policies which have hitherto made it impossible to pay adequate salaries by which men of recognized ability could be employed and retained in the institution, and from time to time we suffer the loss of some of our best teachers by reason of the inability to properly and adequately compensate them. Certainly Minnesota can afford to pay reasonable compensation for this class of service, and to provide means by which we can compete with any educational institution in the country in bidding for talent which would permanently endow our university. . ."

9 Jan. '07, p.35-36

- b **Mo.** Folk. "During the past two years the collateral inheritance tax has amounted to \$518,365.01. This is for the benefit of the State University, and is made available by legislative appropriation. The income from this tax varies greatly from year to year, and as a consequence the university can not count definitely on any fixed sum from it. It would be a better plan to have this tax diverted into the revenue fund and a regular appropriation made for the university from the revenue fund."

2 Jan. '07, p.4

- c **Wash.** Mead. "I invite your attention to that portion of the report of the State Tax Commission which deals with the lands of the State University not included in the so called granted lands. This property should be so handled as to make it available as a security asset, that the state at large thereby may be relieved in some measure from the burden of taxation now made imperative by the needs of the university. I recommend that you enact such legislation as will facilitate this object."

14 Jan. '07, p.38

2334

Instruction. Students

- a **N. D.** Sarles. "I believe the preparatory and normal departments of our State University should be discontinued, and the university be purely as the name implies."

9 Jan. '07, p.11

2335

Admission. Scholarship. Tuition

- a **Col.** Buchtel. ". . . The total income of the state for the biennial period is \$1,600,000. Of that sum we provide \$700,000 for

EDUCATION

2335

the four state educational institutions in four towns. The question is, how can we increase the revenue of these institutions, without neglecting the urgent and absolutely necessary needs of the penal, the reformatory and the benevolent institutions of the state? We can not do it by increasing the taxes. The taxpayer has a right to object, and he does object. The only way out of our difficulty is to make some reasonable charge for tuition in these institutions. . . .”

8 Jan. '07, p.25-29

- b W. Va.** Dawson. “. . . I think students in the schools of law, medicine, music and the like [in the State University], should be required to pay substantial fees in order that these departments may be made more thorough. It is not right to hold out an inducement to young men that they can obtain a good education in law at the university unless the course there is reasonably thorough. . . .”

8 Jan. '07, p.98-99

2342

Professional and technical education

For examination and licensing *see* 591, Practice of law; 944, Medicine. *See also* 2266, Normal schools

- a Ga.** Smith. Recommends that several technical and industrial schools located in various parts of the state be not under control of trustees of State University at Athens. 29 June '07, p.20-21

- b N. C.** Glenn. “. . . At present the College [of Agriculture and Mechanic Arts] is under the directorship of the Trustees of the Board of Agriculture, who must be farmers. . . . They are not mechanics, engineers, etc., and therefore can not know the needs of such industries like men trained to such work. I therefore, after consulting with the trustees, and with their approval, recommend that the control of the college be given to a board of trustees consisting of 20 members, with the Governor ex officio chairman of the board — 10 of said trustees being the Directors of the Board of Agriculture, and the other 10 appointed by the Governor and confirmed by the Senate, and who shall be good moral persons, and interested in mechanical and industrial education. At present there is no room in the dormitories, and 100 boys board in the community. To properly equip the college a central heating and lighting plant is an absolute necessity, and will, in saving of fuel and employees, reduce current expenses. A mechanical building is also needed to do efficient work. . . .”

9 Jan. '07, p.30

- c Tex.** Campbell. Teaching of the elements of agriculture and the industrial arts in the schools. 16 Jan. '07, p.14

- d U. S.** Roosevelt. “. . . Our federal form of government, so fruitful of advantage to our people in certain ways, in other ways undoubtedly limits our national effectiveness. It is not possible, for instance, for the national government to take the lead in technical industrial education, to see that the public school sys-

tem of this country develops on all its technical, industrial, scientific, and commercial sides. This must be left primarily to the several states. . . We can, however, in such a matter as industrial training, in such a matter as child labor and factory laws, set an example to the states by enacting the most advanced legislation that can wisely be enacted for the District of Columbia."

3 Dec. '06, p.25-26

2343

Agricultural

See also 1828, Agricultural experiment stations; 1829, Farmers institutes, reading courses, lectures.

- a **Cal.** Pardee. "The university farm at Davisville and the Kearney gift at Fresno should both receive the support of the state. Neither is unnecessary for uses to which they both may be put in the practical teaching of agriculture and all the industries connected with it, such as pomology, viticulture, dairying, and live stock raising, all so necessary to the state's prosperity. To properly equip these two farms will require the erection of suitable buildings on each, the acquiring of machinery, tools, stock, and equipments of various kinds, as well as the employment of instructors, mechanics, and laborers. All this should be done intelligently, liberally, and well. I therefore recommend to the Legislature the appropriation of at least \$400,000 for these purposes. . ."

7 Jan. '07

- b **Ct.** Woodruff. ". . . I recommend that this General Assembly authorize the Governor to appoint a special commission of five members to consider the problem of unifying, coordinating, and collecting the various agricultural forces of the state's related agrarian establishments and commissions; such investigating commission to ascertain what is being done in other states along the same lines, also the experience gained in other commonwealths and by what methods, and the degree of success attending such experiences. Such commission should serve without pay, but its necessary expenses should be met upon order of the Comptroller from funds not otherwise appropriated. A report of the commission's findings and a recommendation of what is advisable should be made to the next General Assembly. I recommend also that this General Assembly make no appropriation for the Connecticut Agricultural School for any purpose whatever except fixed charges made necessary by the operation of the school during the next two years, all appropriations for proposed improvements to wait for the report of the proposed investigating commission. . ."

20 Mar. '07, H. J. p.735-38

- c **Ga.** Smith. "Into the rural schools must be introduced nature study and primary agriculture. This work to be successfully conducted must receive aid from the state, first, by adding agricultural departments to every normal school in the state in which the future teacher may be taught how to teach primary agriculture, and then directions in the shape of leaflets and pamphlets must

EDUCATION

2343

issue from the State College of Agriculture, and be distributed among the rural school teachers. . . ." 29 June '07, p.24

- d **Ia.** Cummins. ". . . There are certain fundamental truths in the science of agriculture, of constant application in farming, that can be taught with a fair degree of success by written communication. There are a great many of our boys who can not attend personally upon the courses of instruction given at the college. There are a great many men of mature age who ought to know these things, but who can not leave their work and enroll themselves as students. I believe that a bureau of communication ought to be attached to the Department of Agriculture so as to give these boys and these men an opportunity to learn the common principles of their avocation. . . ." 14 Jan. '07, p.10-11

- e **Kan.** Hoch. ". . . Wisconsin, Nebraska, Missouri, and perhaps other agricultural states, have made the teaching of elementary agriculture and horticulture a part of their common school curriculum. Many of our educators think that Kansas should follow this excellent example, and I heartily agree with them. . . . Scientific farming is to be the farming of the future, the rudiments of which, at least, our boys and girls should learn in the common schools." 8 Jan. '07, p.18-19

2344

Colleges

- a **Cal.** Pardee. ". . . Only California Hall, among the many buildings erected by legislative appropriation, is now worthy of this great state and that great University [of California]. One of the first buildings erected at Berkeley ought to be a building in which to house the College of Agriculture. California's wealth, prosperity, and fame rest largely upon her agricultural and allied interests. And these are important enough to warrant us in adding . . . a great and necessary building at Berkeley devoted to agriculture and all that goes with it. I therefore recommend to the Legislature that the sum of \$500,000 be appropriated for the erection of a proper agricultural building at Berkeley."

7 Jan. '07

2347

Forestry

- a **Col.** Buchtel. "We very much need to have an appropriation for a professor of forestry at the State Agricultural College. He should teach at the college only two or three weeks in the year and then should visit all the state and all the independent institutions and all high schools and all cities and towns to awaken enthusiasm about the preservation of our forests and about the cultivation of trees. . . ." 8 Jan. '07, p.28

2350

Technical and manual training

- a **Ga.** Smith. ". . . Education from books alone is not always of much value. It should be accompanied with practical training, having in view the future of the child." 29 June '07, p.18

2350

- b Wis. Davidson. ". . . The establishment of such a trade school at Milwaukee would call for but a comparatively small expenditure on the part of the state, while its benefits to the public would be inestimable. . . ." 10 Jan. '07, p.38-39

2351

Textile

- a Ark. Little. ". . . If we would profit by our natural advantages and receive the greatest profit we must manufacture our cotton at home. Then and not until then can we control the markets of the world in cotton and cotton goods and receive the full rewards for our labor, which will not only upbuild our country but enrich our people. I earnestly recommend the establishment of a textile school, and that provision be made not only for the technical training but its practical application. . . ." 18 Jan. '07, p.6-7

2352

Libraries

2354

State libraries

- a Ct. Woodruff. "You will . . . receive from the special commission on the state library proposition a report in favor of such a building and with it a reasonable and sound argument. The library needs more room for books, for records and for the state's paintings. Scattered all through the recesses of the Capitol and even under the eaves are stored records of the Revolutionary War. These must be safeguarded for their loss would be irreparable.

Such a building would house the Supreme Court with becoming dignity and save the judges from the annoyance of wandering from city to city to hold court.

I would recommend that the General Assembly make an appropriation sufficient to carry out the plans of the commission. . . ." 9 Jan. '07, p.19

- b Del. Lea. "The State Library, containing thousands of valuable volumes, many of which could be duplicated only at great cost to the state, is housed in a structure ill adapted to the proper protection and care of said volumes. . . . It is a matter for your serious consideration whether the time has not arrived for the construction of a new State House, with a fireproof wing for the library, which shall be adequate to fully meet the public needs. I recommend this matter to your careful consideration."

1 Jan. '07, p.10-11

- c Ind. Hanly. "An act approved March 11, 1895, constituting the State Board of Education a state library board . . . and an act approved February 24, 1899, creating a public library commission . . . should both be repealed, and a new statute enacted creating a state library commission. . . . Such an act will unite the library interests of the state, place them under the control and management of a single board, and make greatly for efficiency of service in both departments."

10 Jan. '07, p.38-39

HISTORY AND MEMORIALS

2354

d **Mon. Toole.** "The historical and miscellaneous department of the State Library continues to grow in magnitude and importance, but its full fruition will never be realized until it and the museum are properly housed in a separate building erected exclusively for that purpose upon the Capitol grounds. We will have done our duty for the present, considering our financial ability, if we make provision for its immediate needs, embodied in the following requisition: The furnishing and completion of the vaults in the subbasement in metal. Shelving for room across the hall for overflow of books from main stock room. Publication of a book catalogue. Publication of volume VII in 1907. Employment of another trained assistant. Appropriation for purchase of books. Insurance in the amount of \$30,000." 8 Jan. '07, p.34

e **N. H. Floyd.** "In 1904 the cost of the State Library was \$24,922, and in 1905 it was \$22,462, and in 1906 it was \$19,517, an average of \$22,310 annually, and I think some saving can be effected here without impairing the usefulness of the building or its contents. I am told that there are in the building thousands of volumes of reports and other documents, many of which are copies of each other, and which have never been opened and never will be, but represent considerable expense for storage, shelving, binding and cataloguing. If so, they should be sent to the junk heap to make room for books that are valuable for something besides swelling the size of the catalogues, and I am confident that there are other reductions of expense which should be made. I suggest that you make inquiry how this may be done." 3 Jan. '07, p.16-17

f **S. D. Elrod.** ". . . I believe the time has come when the state should make a small annual appropriation for the purchase of necessary reference books for this [state] library." 8 Jan. '07, p.37

2356

Free public libraries

2357

State aid and supervision. Traveling libraries

a **Mich. Warner.** ". . . The traveling library system and the work done by the Board of Library Commissioners in the interest of the small towns and villages and the rural districts of the state, should meet with your support. During the past year 500 traveling libraries have been circulating in the state, with a circulation of 80,000, about one twentieth of the population. This fact alone is sufficient to prove the excellence of the plan for the diffusion of good literature. . . I recommend a reasonable appropriation for its present needs and future development." 3 Jan. '07, p.8

2363

History. Records. Memorials

a **S. D. Elrod.** "This Department [of history] has charge of the State Historical Society, the State Census, the Vital Statistics and

the State Library and has recently opened a division of legislative reference. . . I think the Legislature should make provision for additional help in the department. . ."

8 Jan. '07, p.37

2365

Archives. Records. Colonial laws

a Id. Gooding. "For several years an organization of Idaho pioneers has been in existence, and a great deal of valuable data and many interesting relics have been collected, relative to the early history of the state. The continuance of this important work can not be expected of a pure voluntary organization. . . I would respectfully suggest that a small appropriation be made for this purpose. . ."

8 Jan. '07, p.28

b Wash. Mead. ". . . Our public archives, which are the records of the political and industrial growth of the state, merit your earnest attention. Many of these records already have been lost or have gone to enrich private collections, while a great number are now liable to loss or to remain valueless to public officials and to students of history for lack of systematic arrangement, proper cataloguing and indexing. The recent growth of the state has caused a great accumulation of new records, which, when they cease to be of current use, are carelessly stowed away in some corner. I, therefore, recommend the creation of a department of archives to care for the earlier records and their proper arrangement, to the end that they may always be available. . ."

14 Jan. '07, p.4-5

2366

Historical societies

a U. Cutler. A suitable building for the State Historical Society.

15 Jan. '07, p.39

2369

Scenic and historic places

a N. Y. Hughes. "It is my privilege also to lay before you the public-spirited proposal of the Hon. William Pryor Letchworth to convey to the people of the state of New York 1000 acres of land, approximately, situated in the town of Genesee Falls, Wyoming co., and the town of Portage, Livingston co., upon which Mr Letchworth now resides. He desires to dedicate the land to the purpose of a public park or reservation, subject to his life use and tenancy and his right to make changes and improvements thereon. . ."

2 Jan. '07, p.30

b U. Cutler. "A movement of great importance, in which Utah is particularly interested, has been started for the preservation of ruins, water falls, forests, and other typical scenery in danger of being destroyed in the interest of commercial enterprises. It has been suggested by the promoters of this movement that the various State Legislatures memorialize Congress to pass a measure prohibiting the destruction of certain specified scenery in localities not set aside as national parks. Special mention is

HISTORY AND MEMORIALS

made of Niagara Falls. I believe there could be no objection to each state legislature specifying certain places within the borders of the state, asking that they be included in the general prohibition. I am pleased to be able to state that action has already been taken setting aside and protecting against vandalism the ruins of the cliff dwellers and some other objects of interest in Utah. This fact, it seems to me, should render us willing to assist other states, by our memorials, in securing similar protection for their natural beauties." 15 Jan. '07, p. 44-45

2370 Memorials. Monuments

2376 Memorials on battlefields. Soldiers monuments

- a Del. Lea. ". . . A suitable memorial marking the location of the Delaware troops at Valley Forge during this important period of our nation's history, is an object deserving your careful and favorable consideration." 1 Jan. '07, p.21-22
- b Ind. Hanly. "Among the Union soldiers who died in Andersonville prison during the Civil War were 750 from Indiana. . . I recommend an appropriation of \$10,000 for a monument to be erected on the prison site to the memory of the 750 heroic dead who are buried there, and that an act be passed creating a commission, to be appointed by the Governor, of five survivors of the prison, to erect such monument. . . ." 10 Jan. '07, p.53-54
- c W. Va. Dawson. Monument to the Fourth West Virginia Volunteers at Vicksburg. 8 Jan. '07, p.87-88

2377 Memorials to individuals

- a Ct. Woodruff. "In appreciation of the great services rendered to the state and to the nation, Connecticut is anxious to do filial duty to the memory of the late United States Senators Joseph R. Hawley and O. H. Platt. . . I recommend that not less than \$50,000 be appropriated for the memorials, and that the matter be referred to a commission, with power to act." 9 Jan. '07, p.18
- b Minn. Johnson. Monument to Gen. William Colvill. 9 Jan. '07, p.55
- c Pa. Pennypacker. ". . . There ought to be erected a statue to Henry Bouquet at Bushy Run in Westmoreland county to commemorate the most decisive victory of the French and Indian War and another at Kittanning to John Armstrong, a Pennsylvania hero who there defeated the savages in 1756. 1 Jan. '07, p.11
- d S. C. Ansel. "While many of the states of this Union have honored themselves by placing in the Hall of Fame, in the Capitol at Washington, D. C., statues of one or two of their honored and eminent sons, who have done noble work for their states and for the Union, South Carolina's place has remained vacant. I respectfully recommend that you give this matter your

2377

careful attention and give such consideration to the same, that at no distant day the statue of John C. Calhoun may adorn that hall. . . .” 15 Jan. '07, p.9-10

e **S. D.** Elrod. Statue to Arthur C. Mellette, first governor of the state of South Dakota. 8 Jan. '07, p.22-24

f **Wash.** Mead. “Within the borders of the state are buried the remains of several of our pioneer chief executives. It seems but proper that the state should erect suitable monuments in recognition of their services. . . . I recommend the erection of a monument over the grave of Governor Wallace, whose distinguished services not only to the territory but to the nation at large entitle him to this distinction. The body of Marshal F. Moore, who was a distinguished general officer in the Union Army, and who served for several years as Governor of Washington territory, lies in the cemetery at Olympia. His memory likewise is entitled to suitable commemoration.” 14 Jan. '07, p.6

g **Wy.** Brooks. “. . . The report [of the Lewis and Clark Exposition Commission] contains one valuable suggestion which I trust this Legislature will act upon. History records that Lewis and Clark were greatly assisted in their perilous journey by a Shoshone Indian maiden, named Sacajawea. In fact so important was the part played by this now far-famed Indian girl, who showed qualities of heroism and loyalty almost unmatched in the annals of history, that the management of the Lewis and Clark Exposition erected a splendid memorial in her honor on the exposition grounds. In the years to come the name of Sacajawea will be recorded side by side with that of the world-famed Pocahontas. The fact has been established beyond all controversy that Sacajawea is buried on the Shoshone Reservation in the state of Wyoming, and her final resting place is known. The commission recommends that this Legislature use a portion of the unexpended balance of the exposition fund for the purpose of erecting a suitable tablet or monument to mark the last resting place of Sacajawea.” 10 Jan. '07, p.24-25

2378

War relics

a **Ill.** Dencen. “I have the honor to state that Mrs John A. Logan, widow of the late Gen. John A. Logan, has offered to tender to the state the war trophies, souvenirs and mementoes received by her late husband during his lifetime, provided the state shall set apart a memorial room, adjoining Memorial Hall and undertake properly to care for and maintain them as an exhibit in connection with Memorial Hall. . . . I recommend that the state accept the donation of these historic treasures, as offered, and that an appropriation be made therefor.” 9 Jan. '07, p.45

2379

War records

a **Ia.** Cummins. Recommendation renewed for a roster of Iowa soldiers. 14 Jan. '07, p.14

MILITARY REGULATIONS

2380

Scientific work. Art

2384

Geology. Topography

- a Cal. Pardee. ". . . It is of great importance to the state, and I recommend that this expenditure [\$80,000] be made and that the cooperative topographical work be continued until the entire state shall have been covered." 7 Jan. '07
- b Ill. Deneen. Increased appropriation for the Geological Commission. 9 Jan. '07, p.26-27
- c S. D. Crawford. "Another subject worthy of legislative support is a geological survey of the lignite coal beds in the state west of the river so that the public may know their extent and where they are located; also of the 'Bad Lands.'" 8 Jan. '07, p.42
- d Wash. Mead. "I recommend that you provide for making effective the legislation of 1901 and 1903 regarding a state geologic, topographic and hydrographic survey in cooperation with the United States Geological Department, the sum appropriated to be effective on the condition that the federal authorities expend an equal amount." 14 Jan. '07, p.34

2388

Military regulations

See also 2363, History, records, memorials

2391

Militia. National guard

- a Fla. Broward. ". . . A full investigation of the needs of the Florida State Troops . . . convinces me that the following legislation is required:
 - 1. Appropriations for annual encampments.
 - 2. Provision for the establishment and construction of a state arsenal and general military headquarters at some central point.
 - 3. That a permanent camp site for the troops be acquired (a commission for the location of such site having been appointed pursuant to an act of the Legislature of 1905).
 - 4. That provision be made for such amendment to the military code as will place the Quartermaster General, or other proper officer of the general staff, on duty continuously at military headquarters, and in charge of the supply departments.
 - 5. That such action be taken as may be necessary to consummate the purchase of the Franklin County Armory, at Apalachicola, appropriation for which was made under an act of the Legislature of 1903.
 - 6. That the policy of gradually acquiring suitable armories in such of the larger cities as are likely to remain permanent posts of the troops be adhered to; and, that only suitable and adequate buildings may be secured, it is recommended that an 'Armory Commission,' composed partly of competent military officers, be

2391

appointed, under whose supervision and direction armories shall be built, rented and managed. . . ." 2 Apr. '07, p.8-11

- b **Mass. Guild.** ". . . To maintain a proper esprit de corps, as well as to stimulate recruiting, the troops [of the organized militia] should be provided during the present year with a suitable and soldierly full-dress uniform, for which, in compliance with statute, a special appropriation will be required. . . ."

3 Jan. '07, p.29

- c **Mon. Toole.** ". . . The report of the Adjutant General satisfies me that if this institution [National Guard] is to be made anything more than a makeshift a new military code should be adopted and his recommendations in the main adopted."

8 Jan. '07, p.38

- d **Nev. Sparks.** "I am not opposed to this state having organized militia, but the reports of four annual inspections made by the United States Army officers, the last two of which are to be found in the report of the Adjutant General of this state for the years 1905-6, determined me to disband the National Guard. . . . The federal law requires that unless the state has not less than 300 'regularly enlisted, organized and uniformed' men, no more military property can be issued to it, and its requirements as to drills, target practice, camps of instruction and practice marches are such that, in my judgment, the young men of this state would not care to comply with. This condition is to be regretted, as Nevada is probably the only state in the Union without a national guard. . . . If the Legislature sees the way clear to give financial aid in reorganizing the militia as required by law, it will not prove detrimental to the state."

21 Jan. '07, p.12-13

- e **N. C. Glenn.** "The guard is ever changing . . . and there ought, therefore, to be some one to look after the supplies furnished each company and see that they are not destroyed or wasted. The military committee, in view of the fact that the government will not pay for their care, urge that each company commander be annually paid \$100, and be required to give bond for the faithful discharge of his duties, to the end that all company property be well preserved and cared for. . . ."

9 Jan. '07, p.22

- f **N. D. Burke.** ". . . I . . . recommend such legislation as may be necessary to enable our militia to comply with all of the provisions of said act [of Congress] and to partake of all of its benefits."

9 Jan. '07, p.11

- g **Tenn. Patterson.** ". . . I ask your attention to this with a view of recommending such appropriation as may be proper to have the state guard get the full benefit of government aid. Aside from any possible war in which the United States may be involved, the proper equipment and organization of our state militia should be encouraged as a measure of duty to the protection of life and property in sudden emergencies."

7 Jan. '07, p.4

MILITARY REGULATIONS

2391

h **U. S. Roosevelt.** “. . . Our regular army is so small that in any great war we should have to trust mainly to volunteers; and in such event these volunteers should already know how to shoot; for if a soldier has the fighting edge, and ability to take care of himself in the open, his efficiency on the line of battle is almost directly proportionate to excellence in marksmanship. We should establish shooting galleries in all the large public and military schools, should maintain national target ranges in different parts of the country, and should in every way encourage the formation of rifle clubs throughout all parts of the land. . . .”

3 Dec. '06, p.53

i **U. Cutler.** “. . . The National Guard of Utah will necessarily come into comparison with the militia of the other states at future encampments, and it is desirable that as good a showing as possible shall be made. I therefore make the following suggestions: That the salary of the Adjutant General be made at least \$1800 per annum, in order that a man thoroughly competent in military and business matters may be secured who will give all the time necessary to the work. The salary of the assistant adjutant general should, in my opinion, be fixed at \$900 a year, and he should have the rank of colonel. The appropriation for the band should be \$600 per annum. A rifle range should be fitted up by the state for the exclusive use of the guard. . . . Wherever possible, armories should be built, to stop the payment of rental. . . . Provision should be made to have a picked team to represent the state at the annual national shoot at Seagirt. . . . A law should be enacted requiring officers who have charge of government property to give a bond for its safe-keeping; and those to whom the property is issued should indemnify the officers issuing it. . . .”

15 Jan. '07, p.31-33

2392

Armories

a **Cal. Pardee.** “. . . The money now spent in renting armories for our National Guard amounts to a high rate of interest on the money it would cost the state to erect them. I . . . strongly recommend to the Legislature the appropriation of sufficient money for the erection of suitable armory buildings in all the cities in this state where there are two or more companies of state troops. . . .”

7 Jan. '07, p.51

b **Ct. Woodruff.** “Three commissions were appointed by previous General Assemblies to select a site and arrange plans for a State Armory and Arsenal. . . . I urge that the report of the present commission be given careful consideration, and that immediate steps be taken to carry the project to consummation. . . .”

9 Jan. '07, p.18-19

c **N.H. Floyd.** Special appropriation for maintenance of the Manchester Armory.

3 Jan. '07, p.10-11

d **N.M. Hagerman.** “. . . One of the gravest drawbacks against the maintenance of our military organization is the lack

2392

of armories. I therefore join in the recommendation of the Adjutant General that the appropriation for armory rents be increased, also that a reasonable appropriation be made enabling him to employ clerical assistance for part of the year. . . ."

21 Jan. '07, p.33

e N. D. Sarles. Recommends that each company of the National Guard be provided with an armory. 9 Jan. '07, p.13-14

f Wash. Mead. ". . . The construction of armories is primarily a duty of the state government. I recommend that early in your deliberations a measure be enacted that will in effect carry out the legislative intent expressed in the act of 1903. . . ."

14 Jan. '07, p.35

2394

Encampment

a S. D. Elrod. ". . . At the beginning of this administration the camp grounds contained 60 acres. Adding the 53 acres which we have purchased as aforesaid, the grounds now contain 113 acres. It is a handsome property, splendidly located. General Englesby recommends that an appropriation of \$30,000 be made for the coming two years. There are a number of improvements and betterments that ought to be made in addition to the necessary expense incident to the maintenance of the guard. I would like to see trees set out around the buildings and along the boundaries of the grounds. They would add very much to the appearance of the landscape. Having a personal knowledge of the property, the surroundings and the conditions, I heartily concur in General Englesby's recommendation."

8 Jan. '07, p.21-22

2398

Officers and boards

2400

Adjutant general

a N. C. Glenn. "The increased duties of the Adjutant General made it absolutely necessary for him to be in Raleigh, and I therefore ordered him to report here for duty, and hope you will require him in the future to live at the capital, and pay him a salary of \$1600. . . ."

9 Jan. '07, p.22

2406

Pensions and relief

2408

State pensions and aid

a Ala. Jelks. ". . . The Legislature can do one of two things: 1st. Change the law [pensions for old soldiers] so as to provide for a traveling pension examiner, who will spend his entire time carefully looking into the proof of the applicants, and who will be uninfluenced by local surroundings. . . . 2d. Change the law so as to provide a service pension. . . ."

8 Jan. '07, p.1-3

b Minn. Johnson. ". . . At the last session of the Legislature, a law was enacted providing pensions for certain people who served in the Indian war of 1862. The law carried an appro-

MILITARY REGULATIONS

priation to provide for the payment of the pensions, but it is found that because of certain restrictions, comparatively few are beneficiaries of the state's bounty. The law should either be repealed or so changed as to make all who are equally deserving able to share alike. As the old law did not carry a standing appropriation action must be taken at this session if the state is to assume a fixed pension policy. If it is determined to continue a state pension policy it should be at least along the lines of that intelligence which would not discriminate against some of the bravest and best defenders who participated in our Indian wars."

9 Jan. '07, p.46

2409

Confederate veterans

- a S. C. Heyward. "It is evidently a manifest desire among the Confederate veterans of South Carolina to have a fixed and permanent place at which their annual reunions shall be held. Columbia, on account of its central location and its excellent railroad facilities, has been suggested as the proper and appropriate place of meeting for these annual occasions. . . Veterans should be respected, and I believe it is only right and proper that the state should make an appropriation for this purpose. In accordance, therefore, with their wishes, and also because I strongly favor the idea, I have the honor to suggest that an appropriation of \$5000 be made. . ."
- 8 Jan. '07, p.16-17
- b S. C. Ansel. "It is a duty that we owe to ourselves and to our state, that we provide liberal pensions for our needy Confederate veterans—those who, for lack of means, or who by reason of age or infirmity, are not able to provide for themselves. I, therefore, recommend that you make liberal appropriations for these veterans, to be paid to them under such rules and regulations as may be just and proper."
- 15 Jan. '07, p.8
- c Tenn. Patterson. "I recommend increased appropriations, if necessary, for pensions to indigent and infirm Confederate soldiers and the helpless widows of such who have died, for it is our sacred duty to see that they should not want in their declining years. . ."
- 7 Jan. '07, p.4

Preference of veterans

See 833, Business taxes

2416

Soldiers homes

- a Col. McDonald. ". . . There is one recommendation made by the Board of Commissioners in which I can not join very heartily, personally, although in a limited way it would be a good thing, and that is for the erection of dormitories for the maintenance of the families of these veterans. I believe if such a provision is made there should be certain restrictions covering the date of the marriage, and that the law should provide that they

2416

had been man and wife for a certain period before application is made for admittance to the home, otherwise there would be abuses creeping in which could not be avoided." 3 Jan. '07, p.8-9

b Ill. Deneen. Recommends appropriation of \$150,000 for erection of cottages for veterans and wives at the Soldiers and Sailors Home at Quincy. 9 Jan. '07, p.9-10

c Minn. Johnson. Increased appropriations for soldiers homes and homes for mothers, wives and widows of old soldiers.

9 Jan. '07, p.53-54

d Mon. Toole. "This institution [Soldiers Home] is represented by the Board of Managers to be wholly inadequate in its accommodations for the present number of inmates, without taking into account the probable increase. . . The cost of maintenance has increased on account not only of members cared for but also on account of increased actual living expenses. The managers' recommendations for increased maintenance appears to be reasonable and the erection of a hospital a necessity."

8 Jan. '07, p.28

e R. I. Higgins. "I recommend the appropriation of \$25,000 for the soldiers home fund and \$12,000 for the soldiers relief fund. . ."

3 Jan. '07, p.16

2417

Admission

a S. D. Crawford. "In the management of the Soldiers Home, complaint is made that men who are habitual drunkards are denied admission. The position of the Commandant is clearly defined in his report. You should examine this subject and either sustain him by legislative provision prescribing a rule in such cases, or by enacting such legislation as may be necessary to make provision for caring for inebriate soldiers in some manner, that will not cause discomfort to the other inmates." 8 Jan. '07, p.8

2418

Widows and orphans

a Tex. Lanham. ". . . A very earnest movement has been made and is now being urged by Confederate organizations, and especially by the United Daughters of the Confederacy, looking to the establishment of a home for the wives and widows of ex-Confederate soldiers and sailors, and a bill having this object in view and making an appropriation therefor was passed by the 29th Legislature at its regular session. It was vetoed by the Governor, because he believed it to be unconstitutional. He did not submit the matter of a constitutional amendment authorizing such legislation at the following special session, for the reason that amendments to the Constitution are to be proposed at biennial sessions as provided for in that instrument. Convinced as I am that public money can not be granted for the purpose indicated, unless authorized by our organic law, I respectfully suggest the propriety of submitting a constitutional amendment con-

MUNICIPALITIES

2418

ferring upon the Legislature the necessary power to take the proper action." 10 Jan. '07, p.14-15

- b **Tex.** Campbell. Amendment to Constitution authorizing erection of home for wives and widows of Confederate soldiers and sailors. 16 Jan. '07, p.16

2430

Local government

2432

Municipalities

- a **Vt.** Proctor. ". . . The powers and privileges of villages should be uniform. If they were thus uniform there would become through the decisions of the courts and otherwise some general understanding of what those powers and privileges are. The law of villages being now largely special for each village is practically private law. . . I recommend that chapter 142 [Vt. Statutes] be so amended, enlarged and improved that it will answer the purposes for the voluntary incorporation of villages, and I also recommend that consideration be given as to the extent steps may be taken to bring existing charters within such general provision." 4 Oct. '06, p.17

2438

Organization. Powers generally

- a **Ia.** Cummins. "One of the propositions upon which all persons and all parties seem to agree is that the established system of government in our larger cities is hopelessly inefficient. . . My own view is that the representative form of government ought to be preserved. Aldermen should be elected at large, and the city council confined strictly to legislative duties. Power should be concentrated in the mayor, and he should be the responsible administrative head of city affairs. He should appoint the officers who are to administer the law. The protection of civil service should be extended. The compensation of the mayor should be sufficient to call men of the best type and strongest character to the office, and the term be made long enough to enable him to accomplish something. If, however, the term be lengthened, it should be accompanied with the power on the part of the people to remove him from office, through an election called for that purpose upon proper petition." 14 Jan. '07, p.15
- b **N.Y.** Hughes. "It is desirable that independent provision should be made for a suitable revision of the Greater New York charter." 2 Jan. '07, p.29

2442

Classification of cities

- a **W.Va.** Dawson. ". . . The Legislature should enact a law classifying municipal corporations, providing for their incorporation and the exercise of their power. Such a law would not go unnecessarily into details, but rather prescribe principles, giving to each individual municipality as much liberty as consistent with the general uniformity of plan." 8 Jan. '07, p.87

2473 Municipal civil service

See also 2588, Financial officers

2478 Tenure of office. Discipline

- a Mo. Folk.** “. . . While the people of each locality should have the right to elect their officials, they should also have the right to recall them should they in their public duty forsake the service of the people, or prove incompetent or corrupt. The recall by direct vote of the people could be provided for, but under the Constitution this can not be done here without an amendment of our organic law. . .” 2 Jan. '07, p.34

2492 County and township government

Includes provisions relating to the Louisiana parish. *See also* specific functions of counties and towns; Roads, Charities, Drainage etc.

- a W. Va. Dawson.** “The present form of county government has not proved a general success. In some counties three commissioners seem to be sufficient to fulfil the conditions; but in the larger and more populous counties, where the public business is of larger volume, three commissioners are not sufficient. The compensation paid is ridiculously low, and prevents securing the services of men of competent business ability in this important office, especially in the larger counties. In a number of counties of the state the volume of public business is large, is very varied in its character, consists of numerous details, and amounts in the course of a year to many thousands of dollars. Properly to handle this business requires men of business training, and such men can not afford to give their time practically for nothing. The conditions among the counties, also, are very dissimilar in our state, so that what is adapted to one of the newer or less developed counties does not suit the conditions in the older and more developed counties. This state of affairs has always made it difficult to pass legislation applicable to all the counties. I know of no way of meeting this condition of affairs except by allowing more elasticity in our laws. . .” 8 Jan. '07, p.110-11

2498 New counties. Consolidation. Division

- a N. M. Hagerman.** “. . . It is manifestly unwise to create new counties as has sometime been done before there is a sufficient population or enough property to properly support them. The results in such cases are grievous, often resulting in a great degree of lawlessness and disorder, which might have been avoided if the counties had not been prematurely created. The burden of taxation on the individual taxpayer is greatly increased as two sets of county officers, two courthouses and two jails, must be maintained where one set would have been sufficient. The zeal of

COUNTY AND TOWNSHIP

2498

the people who desire their home towns to become county seats should not blind them to the burdens they are imposing upon themselves by hasty action without due care and consideration."

21 Jan. '07, p.45-46

- b N. D. Sarles. "I urge the compulsory organization of all unorganized territory in this state. There are many good reasons why this is desirable. All that part of the state west of the Missouri river is rapidly settling, and all school and other advantages permitted in organized counties are not available."

9 Jan. '07, p.9

2501

Governing bodies

2510

Salaries. Fees

- a Fla. Broward. ". . . I would . . . strongly urge that you consider the advisability of making the office of county commissioner a salaried and bonded office, graded by the assessed valuation of the county, such salary to be sufficient to secure men of the highest integrity and ability of your counties in this position. In many of the large counties, the business before the Board of County Commissioners is such as to require meetings at least once a week and oftener, and to almost monopolize the time of the chairmen of such boards. You can not get men who have the ability and the other qualifications necessary to discharge these responsible duties for the compensation now provided by law for this office. . . ."

2 Apr. '07, p.60-61

2512

County civil service

See also 2588, Financial officers

2517

Salaries. Fees

- a N. M. Hagerman. "Much complaint is made in the larger counties of the territory as to the excessive amounts received in salaries and fees by the county treasurers, assessors and sheriffs, and there is a general desire among the people of the territory that this matter be remedied by putting these officials upon a salary basis. I would suggest that if any legislation is enacted in this regard, concerning assessors and treasurers, such legislation be included as a part of the revenue law referred to above, if the same shall be enacted. . . . The salaries of the county officials as fixed under the classification contained in chapter 60 of the laws of 1905 being in some cases manifestly unjust, it would be advisable in amending the law as to the classification to also make new provisions in regard to salaries of officials outside of assessors and treasurers. . . . Care should be taken in the adjustment of salaries, not to reduce them so much as to prevent competent men from accepting important offices, and not to so increase them as to make them rich political prizes."

21 Jan. '07, p.13-15

2550

Local finance

- a **W. Va.** Dawson. Recommends changes in methods of local finance to secure greater efficiency and economy in handling funds. 8 Jan. '07, p.106-10

2566

Taxes

See also 2577, Tax levy

2569

Special assessments

See also special purposes of assessments: streets, sewers, drains, etc.

- a **U.** Cutler. "Under the present law, when sidewalk or sewer extension and other improvements are projected, in cities of the first and second class, it is possible for the tax and the lien involved by it, to be based on the estimates furnished by the engineers. It appears that the law should be amended so as to make it possible for the money to be collected only when the contracts are let, or the actual cost determined. . . ." 15 Jan. '07, p.8-9

2575

Budget. Accounts

- a **Fla.** Broward. ". . . I also recommend that a statute be passed requiring the publication monthly of an itemized statement of all amounts disbursed by the county commissioners. Nothing is so effective to correct abuses which may exist in the conduct of any public office as publicity." 2 Apr. '07, p.61

2583

State supervision. Uniform accounts

See also 55, State examiner; 856, State accounts

- a **Ala.** Jelks. "The Public Examiners now cover the whole state every 12 months; looking into such matters as effect the state treasury alone. . . The work, however, on state matters, makes it almost impossible for the examiners to go into county matters, if they make the rounds in one year. If you think this work should be diligently pursued as to county funds, you will be compelled to provide some additions to the present force." 8 Jan. '07, p.17-18
- b **Wash.** Mead. Recommends appointment of State Bank Examiner, with power to examine accounts of county officers and prescribe uniform system of public accounting. 14 Jan. '07, p.13

2588

Financial officers

2593

County

- a **Minn.** Johnson. ". . . In several counties of the state the bond furnished by the county auditor is in a sum entirely inadequate to the business going through his office. It is, therefore, considered advisable to increase the minimum of county auditors'

LOCAL FINANCE

2593

bonds to a sum not less than \$5000. Our statute at the present time makes provision only for the bonding of county commissioners in counties having a population of more than 150,000. It seems to me that some provision should be made to bond all county commissioners and to base the amount of the bond on the assessed valuation of the county, the premium on such bond to be paid by the county. . . .” 9 Jan. '07, p.30-31

- b U. Cutler. “It seems advisable that the term of office of county assessors be increased to four years, in order to allow them to become more thoroughly acquainted with the duties of their offices. Also that salaries of assessors in counties from 3d to 15th class inclusive be increased.” 15 Jan. '07, p.6

2597

Debts. Bonds

2599

Temporary debt

- a Minn. Johnson. “. . . The examinations made disclose the fact that there are several counties in the state that have overdrawn their revenue fund to a considerable extent. . . . These overdrafts represent an accumulation of warrants that have been issued by the county auditor and not paid by the treasurer on account of the lack of funds. . . . It appears that no provision can be made in the present tax levy to take up this floating indebtedness for the reason that the limit of taxation has been imposed in all the counties where this floating indebtedness exists. The fact that this floating indebtedness is so heavy depreciates the negotiability of the auditors' warrants in these counties, and it is safe to say that on account of the conditions existing, the county is obliged to suffer for it. . . . It appears that some legislative provision should be made authorizing the issuance of bonds to cover these floating debts, which will have the effect of placing those counties on a cash basis. . . .” 9 Jan. '07, p.31
- b W. Va. Dawson. “. . . The creation of floating debts by these organizations was always violation of law, but there was no adequate penalty to prevent it, and no officer specially charged with seeing to the enforcement of the law. The new tax laws make the creation of such debts a criminal offense, and a civil liability on the officers who make them; hence when these laws went into effect, these local authorities were compelled to be more careful and investigate the conditions, and thus the light of publicity was thrown in and a state of affairs revealed which was an unpleasant revelation to many taxpayers. But these floating debts should be taken care of—we ought not to think of repudiating them—although much of the indebtedness may be illegal. The Tax Commissioner suggests that these local governments having debts which were contracted prior to the enactment of the new laws, be allowed to levy not exceeding 5 cents on the hundred dollars in addition to the ordinary levy, such levy to be applied

to the payment of these debts. In addition, I suggest that an act be passed concerning the issuing of bonds for the payment of these debts, applicable to all counties and municipal corporations."

8 Jan. '07, p.112-13

2603

Fire department

See also 1092, Fires

2612

Officers

See also 1093, Fire marshal

2616

Pensions. Relief

- a N. C. Glenn. ". . . The State Firemen's Association, in view of the valuable services its members render insurance companies by protecting the property they have insured, ask that a reasonable per cent be collected on all premiums and paid the Firemen's Association, in order to furnish a fund for aiding those injured, or the widows and children of those killed while in the line of their duty as firemen and to better equip and make fire companies more efficient. To me the request seems reasonable. . ."

9 Jan. '07, p.14

2620

Public works. Public improvements

2627

Municipal utilities (general)

See also 1337, Street railways

- a Ala. Comer. "Express, telephone, telegraph and all other public service corporations should be put under state control. I suggest that you enact statutes placing them under the control of the Railroad Commission, and having their charges, rules and methods, in relation to public service, subject to the same general laws that you make to establish said relations between the railroads and the railroad commission." 15 Jan. '07, p.12
- b Ct. Woodruff. Special message recommending appointment of a special commission to consider charters and laws relating to public service corporations. 17 June '07
- c N. Y. Hughes. ". . . I . . . recommend that the present Board of Railroad Commissioners and the Commission of Gas and Electricity be abolished and that a new commission be constituted, with powers of regulation and supervision, within constitutional limits, of the corporations now subject to the existing commissions. The commission should have all the powers possessed by the present commissions and such additional powers as may be needed to insure proper management and operation. Its powers should be clearly defined and should embrace the power to act upon its own initiative as well as upon complaint; to pass upon the issue of stocks and bonds; to examine properties, books, and

MUNICIPAL UTILITIES

2627

accounts; to require detailed reports in prescribed form; to prescribe reasonable rates; to require adequate and impartial service; to provide for the safety of employees and for the protection of the public; and generally to direct whatever may be necessary or proper to safeguard the public interests and to secure the fulfilment of the public obligations of the corporations under its supervision. Provision should be made for suitable inspection so that the commission may be advised as to all matters within its purview and be in a position to take action on behalf of the people without the formal institution of proceedings by complainants. A prescribed quorum should be entitled to decide all questions, and any one commissioner should be empowered to make examinations and investigations, and the proceedings and decisions of one, when approved by the board, should stand as its proceedings and decisions.

The corporation guilty of disobedience to its orders, and all officers and other persons responsible for such disobedience, should be visited with appropriate penalties. The commission should also be entitled to institute legal proceedings for the enforcement of its orders and all such proceedings should be expedited by suitable preference in all the courts of the state. The Legislature should thus provide, within its constitutional power, adequate means for the entirely just and impartial regulation of these important public enterprises." 2 Jan. '07, p.15-19

d N. Y. Hughes. ". . . All the operations of railroad companies in the territory of Greater New York should be under the supervision of one board. And the board that is to have the power to supervise generally these operations should have the power of initiating plans and of making contracts for the construction and operation of new lines. Instead of two boards dealing with different phases of the same problem, there should be one board empowered to deal with it in its entirety. As such a board would exercise important state powers of control and regulation, it should be a state board, and should be composed of men familiar with conditions in the territory affected. In my judgment it would not be advisable to put all these matters under the control either of the present Board of Railroad Commissioners or of the new commission which I have proposed to take its place. The urgent need of an increase in transportation facilities, and the unique conditions existing in Greater New York, justify the creation of a separate board to deal with the entire matter of transportation in that part of the state. I recommend that the Board of Rapid Transit Commissioners be abolished and that a new board be created, to have all the powers now exercised by the Rapid Transit Board, and also to have powers with reference to operations within the territory of Greater New York,—or if deemed advisable, within a wider district embracing the adjoining counties into which certain lines of the surface railroads extend,—

2627

similar to the powers which I have suggested should be conferred upon the new commission for the rest of the state. There would thus be included the regulation of gas and electric corporations. Provision should be made for the retention by the board of estimate and apportionment of the city, of all the powers, including powers of approval, which it now enjoys. The commission proposed for the state generally should have jurisdiction over all traffic between points within the city of New York and points elsewhere in the state. It is believed that in this manner the whole question of transportation, and of gas and electric service, in the territory of Greater New York can be dealt with in an intelligent and efficient manner, and that to the fullest extent possible the just requirements of that great community may be satisfied."

2 Jan. '07, p.19-22

- e **Wis.** Davidson. "The only adequate remedy for excessive charges by public service corporations is the regulation of the rates by public authority. . . It will be noted that it was found expedient by the Legislatures of those states to vest the supervision of gas and electric lighting companies in a commission separate and distinct from the railway commission to which the regulation of street railways is intrusted. The difference in the character of the services rendered by these corporations may suggest the propriety of placing the control and regulation thereof in different bodies. . ."

10 Jan. '07, p.23-24

- f **Wis.** Davidson. "A limit should be placed upon the capitalization of local service corporations, and the issue of stocks and bonds by them should be under the supervision of the state commission charged with regulation of such corporations. . ."

10 Jan. '07, p.24-25

2628

Franchises (general)

- a **W. Va.** Dawson. ". . . The experience of this state in this matter is like the experience in other states: very valuable franchises have been granted by authorities, especially by city authorities, without nearly adequate compensation to the people. These franchises have been obtained in some instances by fraud, by bribery, and by deception. There is no good reason why the people should give away such valuable property without any return. In many cases no provision was made in the franchises so given away for the regulation of the business authorized by them, but after the franchises were obtained the people found themselves subject to an extortionate monopoly. It would seem that proper legislation on this subject should not be postponed longer. I see no reason why such property should not be sold to the highest bidder, or granted to those who will give the greatest return to the people. No such franchises should be assignable or transferable; this would stop the sale of these properties. No such franchise should be granted to any person or corporation unless

MUNICIPAL UTILITIES

2628

they could produce evidence that they were possessed of or could command the capital necessary to carry out the purposes of the franchise. In the grant of every such franchise there should be provisions, making it clear that the authority granting the same should have the right of regulation, and the right at any time on reasonable notice, to purchase the property of the owner of the franchise by paying a fair price for the physical property. I say the physical property, because under no circumstances ought the county or city be required to pay money for its own franchise, unless it has received money definitely for it, and then only pay back a just part of such money based on the time the franchise has been in use compared with the time when its use will expire; and I would even go further and require that the granting of no such franchise should be consummated until approved by a vote of the people of the territory to whose authority application has been made therefore. . . .”

8 Jan. '07, p.113-14

- b **Wis.** Davidson. “. . . Since there are franchises in this state which have been granted to public service corporations in perpetuity, or claimed to be such, and also many which have been granted for a very long period of years, the terms of which will operate harshly and oppressively, I recommend the enactment of a law declaring that all franchises heretofore granted to any individual, partnership or corporation, to engage in a public service business in any city in this state, shall terminate on January 1, 1930, unless they shall sooner expire by their own terms, and also declaring that no franchise of such a nature hereafter granted shall be for a longer term than twenty years.” 10 Jan. '07, p.22-23

2629

Municipal ownership (general)

- a **Minn.** Johnson. “Public ownership of public utilities is fast becoming an accomplished fact in many of the cities and villages of the state. If a city, village or town desires to conduct its public utilities by and for the public, after having so decided by a majority vote, there can be no objection to allowing the municipality to raise the money necessary to purchase and operate in any way it sees fit. Under our present laws it is permitted to bond all the property of the community for this purpose. If, on the other hand, it can find persons who are willing to loan the money upon the property of the public utility desired to operate, pledging only the property of the public utility loaned on, there can be no objection on the part of owners of other and general property. This plan would remove the objection sometimes urged against municipal ownership, that it injures the credit of a city or village and that it is not fair to tax nonusers of these utilities for the benefit of the users. This expression of an advanced public opinion is found in our neighboring state of Illinois in the enactment of the so called Mueller law, which has been sustained in the

2629

courts, and applies in that state to the acquisition by municipalities of street railway properties. The idea is just and correct and its enactment in this state would undoubtedly have the effect of regulating in no small measure our privately owned public utilities, if not in acquiring them for the public use." 9 Jan. '07, p.47

b Mo. Folk. ". . . They [municipalities] should have the right to own and control their own public utilities. As to whether they should take advantage of the authority so given or not would be for the people of the municipalities to determine under the facts of each particular case. I recommend that the people of each city and town in this state be authorized to purchase or own and operate any utility of a public nature whenever they shall vote to do so and to issue bonds in payment thereof." 2 Jan. '07, p.24

c Wis. Davidson. "There is a growing sentiment in favor of municipal ownership and encouragement should be extended in this direction, especially with respect to water works and gas and lighting plants. I recommend the necessary legislation to enable any city or village to establish public utilities, or to acquire such as may already exist under the power of eminent domain, and to pay for the same out of the proceeds of certificates of indebtedness, which may be made a lien on the property so acquired. In the purchase of such utilities by the municipality, it should not be required to pay an exorbitant sum for the franchises where the same have been granted without consideration. . . ." 10 Jan. '07, p.25-26

2630

Rates. Charges

a Mo. Folk. "The necessary laws should be enacted giving the municipalities of the state full power to regulate tolls, charges and rates for gas, electric lights, telephone and other public utilities within such cities, and compelling the interchange of telephone service and fixing and regulating the charges thereof."

2 Jan. '07, p.24

b Mo. Folk. ". . . Railroad rates, both passenger and freight, have been put upon a reasonable basis—that is, laws have been passed to that end—but there is no check to the rates now charged by other public utility corporations except the benevolence of the operators of such corporations. . . . As to how these rates should be regulated, there is a difference of opinion. Some advocate a state commission, with full power to fix rates and enforce its orders as the proper solution. On the other hand, it is insisted that a commission having jurisdiction over the rates of so many millions of dollars of corporate wealth might abuse its powers. While I do not think this evil would result from a commission, and would sign a proper bill along that line, I believe the better plan is to allow each municipality to regulate the rates of public utility corporations operating in such municipality. The act enabling municipalities to do this should define the limits of the power, as the Constitution defines the limits of the legislative

MUNICIPAL UTILITIES

2630

power of the state. The rates fixed should be upon the basis of the actual value of the property and should afford a reasonable return upon such valuation. . . The result of giving municipalities the right to fix reasonable rates based upon the actual amount invested or the actual value of the property should be to eliminate these fictitious values and to squeeze out the water from the stock. In order that the rates be not changed too frequently, resulting in disturbances of business conditions, the rates should not be permitted to be altered oftener than each 12 months." 9 Apr. '07, p.6-8

- c **Wis.** Davidson. "Public service corporations are entitled to secure a fair profit upon the actual cost of their properties, and no more. . . Specific authority should be granted to the state commission to ascertain and determine the true cost of such properties, and to use this determination to aid in fixing a fair and just rate of compensation for services rendered." 10 Jan. '07, p.24

2633

Electricity. Gas

- a **Mass.** Guild. "Members of the Harbor and Land Commission, like members of the Railroad Commission and of similar commissions, are permitted to engage in other occupations neither directly nor indirectly connected with their official work. I recommend the repeal of chapter 503, acts of 1894,—a piece of special legislation, by which this privilege, so great an aid in the securing of competent and efficient men to serve on commissions of a judicial character which do not necessarily occupy the whole of the time of their members, was taken from the Gas and Electric Light Commission." 3 Jan. '07, p.28

2661

Sewerage. Garbage

See also 1079, Pollution of water; 1192 Drainage

- a **Fla.** Broward. ". . . The State Board of Health should be empowered to require all plans or methods and systems of sewage disposal and water supply to be submitted to them for their expert investigation and approval, and no system should be installed or operated which does not meet the requirement of such rules and regulations as may be prescribed by them. And the services of an expert sanitary engineer, who should visit the localities proposing such improvements, and make thorough examination into the sources of water supply and such other investigation as may aid in determining the advisability and safety to health of the adoption of the proposed water or sewerage system. . ."

2 Apr. '07, p.35

2679

Parks. Public grounds

- a **N. J.** Stokes. "The acquisition in fee of the fresh-water lakes and ponds by the state is desirable as a matter of public policy. Many of them are now owned by private parties or by clubs for the exclusive use of their owners. . . The gradual acquisition by

the state of lakes of over 100 acres in extent, especially in those sections that have become summer playgrounds, should appeal to those who have the interest of our commonwealth at heart. . . ."

8 Jan. '07, p.35-36

2700

Roads. Streets

- a **Ala.** Jelks. "Our dirt roads, with a few exceptions, are a disgrace to the state. We all recognize that. How they may be improved will challenge your attention. I have no suggestions or advice to offer except to say that any legislation that will advance this cause in a single county in the state will be eminently worth your while." 8 Jan. '07, p.15
- b **Ala.** Comer. ". . . We should encourage the counties of the state to maintain their public roads in the highest state of efficiency, and I recommend you to enact such statutes as may be necessary to carry this out." 15 Jan. '07, p.23
- c **Col.** Buchtel. ". . . We have gone on too long without any definite plan for making good roads. One of the glories of this 16th General Assembly will doubtless be the enactment of a good roads law. . . ." 8 Jan. '07, p.29
- d **Me.** Cobb. ". . . It is no longer necessary to argue the advantages and opportunities that would accrue to Maine by a system of better roads. . . . The amount of money to be spent, and how it shall be raised and apportioned by and between the state and the municipalities, the location of the work and how and by whom it shall be done, these are the phases of this subject that invite your attention at this time. In order to facilitate your labors along these lines, a bill has been tentatively prepared by the Highway Commissioner embodying, it is believed, the best methods practised in other states." 3 Jan. '07, p.9-10
- e **N. C.** Glenn. ". . . A general up to date road law should be enacted, allowing any county or community to have the question of a bond issue for the improvement of roads submitted to the people; for the present law is not full or complete enough. . . ." 9 Jan. '07, p.24
- f **S. C.** Ansel. ". . . Many of the counties of this state are now engaged in the laudable undertaking of building good roads and others are beginning to prepare for grading and macadamizing their principal roads. When we contemplate the great good that is done to the greatest number of our people by this work, and the benefits to be derived therefrom, it behooves us to encourage, in every way possible, our people to go forward with this undertaking. I, therefore, recommend that you request our Senators and Members of Congress to urge the passage of such an act as will give to our state a liberal appropriation in money for the carrying on of this work. This money, supplemented with our convict labor, would soon give us good roads in every county in the state." 15 Jan. '07, p.8-9

ROADS

2700

g S. D. Elrod. "South Dakota needs better roads. A permanent and uniform plan should be adopted; a supervisor of roads having the qualifications of an engineer should be appointed by the county, the supervisor to have charge of all the highways in his county and have authority to let all road work by contract. All road taxes should be paid in cash. After the road work has been performed by a contractor, it should be inspected by the county supervisor and certified to the county commissioners for payment. Great care should be exercised in framing the bill to avoid increased taxes." 8 Jan. '07, p.41

h Tenn. Patterson. ". . . I recommend, unless the Legislature has a definite plan of road improvement formulated, that I be given the power to appoint a commission of three, to be known as the Good Roads Commission, who will be authorized to take up the whole subject, make a thorough investigation and report their conclusion to this or a subsequent Legislature. . . It is the important duty of the Legislature to take the subject of good roads up for early consideration, for it is only through it that the people can get relief, and the demand for some sensible and businesslike system of road construction and maintenance is urgent throughout the state." 7 Jan. '07, p.8-9

Recommendation renewed.

1 Apr. '07 p.3-4

2702

State road systems and state aid

a Cal. Pardee. "California has done but very little toward encouraging the building of good roads. . . The time is ripe for California, toward which are now turned the eyes of all the world, to follow the example of her older and more experienced sister states and the guidance of the still older and more experienced nations of the Old World and do her part toward aiding and encouraging the advancement of good roads.

I invite the careful attention of the Legislature to this important matter, and would recommend that a sufficiently large sum of money be appropriated, to be expended, under the supervision of the State Commissioner of Highways, in cooperating with counties and abutting landowners, in building good roads throughout the state. These state aided good roads should be state selected main arteries, built to state made specifications and state approved surveys. And toward their construction the state can well afford to pay at least one third the cost.

Oiled roads, as I have said, are cheap and good, when properly constructed. . . And for this purpose I recommend the appropriation of at least \$250,000. This sum, in cooperation with counties and individuals, should build at least one thousand miles of good oiled roads in this state. . ." 7 Jan. '07, p.72-73

b Del. Lea. ". . . The several counties of the state raise, annually, by taxation for road purposes, a considerable sum of

money which under our present system is spent under the direction of the different officers in the different hundreds. All this money should be expended on the roads in pursuance to a fixed standard of roads adapted to the different localities of the state and under one central authority. The money so raised should be spent in the maintenance of the roads after they have been either originally built or improved along modern scientific lines. Probably one of the best investments the state could make would be the expenditure annually of as much money as its resources will afford in the construction and improvement of good permanent roads. When these are once so built, the cost of maintenance is small compared with what is now expended on our present roads. . . ."

1 Jan. '07, p.12-13

- c **Kan. Hoch.** ". . . It is estimated that half a million dollars are annually expended in Kansas upon its roads, but the work is done with so little regard to the science of roadmaking that no adequate results follow. . . . I do not like to recommend the creation of new offices, but it does seem to me if this whole road-making business were put in the hands of some competent experts for direction it would be a wise and economic departure from present methods of roadmaking."

8 Jan. '07, p.26

- d **Mich. Warner.** ". . . It will be observed that the legislative appropriations for aid, together with the amount of license fees credited to the fund, amounted to but \$78,156.98, whereas the total of sums paid and pending is \$138,908. It is obvious that the [good roads] law should be amended so as to provide a continuing appropriation for this purpose if the work is to be further prosecuted. It is not good policy to permit a fixed appropriation for a specific year to be exceeded, but the nature of this work is such that this unsatisfactory condition of affairs can not very well be avoided if fixed annual appropriations are to be made. . . ."

3 Jan. '07, p.11-12

- e **Minn. Johnson.** ". . . The Legislature is now authorized to add to the state road and bridge fund by providing in its discretion an annual tax levy upon the property of the state not to exceed in any year one twentieth of one mill on all the taxable property in the state. This limitation should be removed and the Legislature should be permitted at its discretion to levy a tax sufficient to accomplish good results along the line of better highways. The provision now in the constitution that no county shall receive in any year more than 3% or less than one half of 1% of the total fund thus provided should also be changed by striking out that portion of it which provides that a county shall not receive not less than a certain amount. All of the legislative restrictions should be removed with the exception of a possible restriction providing maximum amounts. . . ."

9 Jan. '07, p.43-44

- f **Mo. Folk.** ". . . I believe the first step towards good roads is a state highway engineer, skilled in the ways of road building,

whose duty it would be to oversee the construction of roads throughout the state. In my opinion, the only satisfactory solution of the road question is to put the road system of the state on the same basis as the public school system, with a state superintendent or engineer, county superintendents, and running into the township, and districts, as in the case of schools, with taxes levied and paid in the same manner. To accomplish this it will be necessary to have a constitutional amendment. In the meantime a state road engineer can be provided for, and an annual tax of one fifteenth of 1% on the capital stock of each corporation of the state can create a fund on which to operate. It is estimated that this would bring in something like \$700,000 a year, without weighing very heavily upon the corporations taxed. This subject, however, I will refer to later on. In addition to the income from this tax, I recommend that \$500,000 be put into the road fund from the general revenue fund, as the special tax spoken of will not be available for some time. I also recommend a provision that when a road is built in any township and approved by the State Road Engineer, that the township or district pay 20% of its cost, the county 20%, and the state 60%. In this way we can soon have splendid highways from one end of the state to the other. . . ."

2 Jan. '07, p.20-21

- g Neb. Sheldon.** Ways and means of expending United States forest reserve fund for benefit of public schools and public roads.

28 Jan. '07

- h N. M. Hagerman.** ". . . According to the provisions of the law of 1905 it was mandatory upon the prison management to build to the line of the forest reserve on the west, and then to the line of the forest reserve on the east, after which it was required that the road from Raton to the state line be constructed. Owing to the fact that the Santa Fé-Las Vegas Scenic Route, especially those portions of it the building of which has been authorized is of very difficult construction, the total mileage built with the number of convicts available has not been great. That which has been built, however, is very well done, and passes through one of the most beautiful sections of our country. The most difficult parts, however, have been completed, and I am of the opinion that it would be wise for the Legislature to provide for its completion through the forest reserve, after the short road from Raton to the state line, as now provided for, shall have been completed, before the construction of any other parts of the Camino Real is inaugurated. . . ."

21 Jan. '07, p.21

- i Or. Chamberlain.** "The improvement of the highways of Oregon has become a vital and burning question, and the time has arrived when there should be appointed a state engineer, whose duty it should be to supervise the construction of all new and permanent roads. The state could afford to utilize the labor of a certain number of the convicts in the penitentiary for the prepa-

ration of crushed rock necessary for the construction of such highways, and I am sure that quarries could be established at points where arrangements could easily be made with railroad companies to transport the output thereof to points easy of access in those counties which desire to make permanent improvements."

16 Jan. '07, p.38

j Pa. Pennypacker. ". . . A movement has recently taken shape looking to the making of a great highway by the state connecting Philadelphia and Pittsburg. It is a revival of the undertaking of Gen. John Forbes in 1758 and is well worthy of careful consideration."

1 Jan. '07, p.6-7

k Pa. Stuart. ". . . We should go on with the good work [improvement of roads] so that every county may appreciate the benefit of it and every township profit by the example. I most heartily recommend the setting aside for this purpose of as large sums of money as the revenues of the state may from time to time permit. I believe it would be a mistake to take the supervision of this important matter from the control of the state; for uniformity, wherever possible, is to be desired, and local indifference or waste should not be invited. . . ."

15 Jan. '07, p.6

n R. I. Higgins. "I . . . would submit for your consideration . . . the appropriation of such sums regularly as will continue the building of good roads throughout the state."

3 Jan. '07, p.22

p Vt. Proctor. ". . . I firmly believe that in every way much better and more satisfactory results can be obtained from the expenditure of the state's highway money under more complete and rigid supervision. . . . In the expenditure of this money we should aim at two important results: First, to procure its expenditure in accordance with the best scientific methods, and secondly, to have these sections of permanent road so located that in the end they will form continuous lines of permanent highways. The only way to bring about these results is to provide more supervision for the work. The state commissioner should give his entire time to outlining the work and to its general supervision and should be a salaried officer with reasonable allowance for office and clerical expenses. There should also be a supervisor for each county appointed by the State Highway Commissioner, with the approval of the Governor. The state highway fund should be expended in accordance with plans and specifications laid out by the State Highway Department and under the supervision of the county supervisor, both as to its location and method of expenditure. To further encourage the construction of permanent highways I recommend that any town or city making a special appropriation for permanent highway work should receive an allowance from the state for this purpose. The amount which the state should be called upon to contribute for this purpose in any one town during any one year should of course be limited. . . ."

4 Oct. '06, p.22-25

2702

- q W. Va. Dawson.** “. . . I give you my best thought as to plan of organization, as follows: A state superintendent of highways, whose work for the next two years would be informing himself of conditions throughout the state, agitating and educating by addresses and distribution of literature, and the study of the subject with the view to report to the Legislature the best plan of procedure; next, a county superintendent of highways, who would have charge of the work in each county under the direction of the State Superintendent; the division of the roads in every county into two classes, county roads and district roads—the county roads would be the leading thoroughfares and be made and kept up by county taxes, and the district roads would be local in their character, and kept up by district taxes; the board of education to be made a board of highways also. County superintendents of highways should have no small power and should be given general superintendence of road matters. I think it essential to establish a good system and organization before any actual money is spent in the building of roads. . . .”

8 Jan. '07, p.67-69

2723

Automobiles and motorcycles

- a Del. Lea.** “I recommend that the present [automobile] law be so amended that it provides: 1st. For an annual payment of a license fee of \$5 by the owner of every motor vehicle. 2d. For an annual payment of a license fee of \$2 by chauffeurs. 3d. For the revocation of all licenses, under proper restriction, upon proof that licensee is an incompetent or reckless driver. 4th. For the employment by every person incompetent to run a motor vehicle of a licensed chauffeur. 5th. For the payment of all such license fees, together with all fines and forfeitures imposed under the provisions of this law, to the State Treasurer, who shall carry such funds to a highway improvement fund, to be expended pursuant to a proper highway improvement statute.

Pecuniary penalties have not proven effective in checking reckless and careless driving. Fine and imprisonment has been demonstrated to be the only effective check; fine for the first offense and fine and imprisonment for all subsequent offenses.”

1 Jan. '07, p.5-6

- b Mass. Guild.** “. . . The suction of the automobile tire, for instance, is the cause of exceptional damage to the roads of the commonwealth. I recommend a tax on all motor cars proportionate to horse power, the entire proceeds to be devoted to the maintenance of state highways. I firmly believe that such a tax would alike remove much of the present complaint against this mode of locomotion, and would vastly add to the comfort of all who use the highways for any purpose.”

3 Jan. '07, p.12

- c Mass. Guild.** “. . . I recommend that, as the sailing vessel has the right of way over the steamer on the high seas, so the

2723

horse and pedestrian shall for like cause be given, as the weaker, the right of way over the automobile on crossroad and highway.

I further recommend the establishment of a board of expert examiners for chauffeurs, acting under the Highway Commission. I recommend that no person, owner or chauffeur, without a certificate of examination in reasonable practical tests in motor management, shall be longer permitted to experiment with dangerous engines on the roads of Massachusetts, at the risk of the lives of the citizens of this commonwealth." 3 Jan. '07, p.18-19

- d U. Cutler. "The number of automobiles in use in the state has increased so rapidly during the past two years that it seems opportune for a state law regulating their speed to be enacted. This need is emphasized by the fact that in the recent past a number of fatal accidents with automobiles have occurred, the victims being pedestrians. . . There is in my possession the German law on this subject, which, with some eliminations and amendments, may be adapted to conditions in Utah."

15 Jan. '07, p.40

- e Vt. Bell. ". . . I still believe the suggestion contained in my former message was reasonable and just and that, for a time at least, automobiles should be excluded from the narrow, winding country roads and less frequented thoroughfares."

4 Oct. '06, p.13-14

- f Vt. Proctor. ". . . We may well consider whether for the present automobiles should not be prohibited the use of certain highways, especially some of our narrow hill roads where the passing of a team and automobile is impossible without great danger to the occupants of the team. The present law provides for a nominal registration fee of \$2 for each machine and an annual license fee of \$2 for operators. These together with dealers licenses produced last year \$3398.94. Considering the use which automobiles have of our highways and their size, weight and speed, I think that they should pay an annual fee, adjusted upon some reasonable and fair basis sufficient to produce a more substantial revenue for state highway purposes. There should be some provision by which machines from without the state using our highways should pay a like license fee. . ."

4 Oct. '06, p.25-26

INDEX

References are to classification numbers at left of each page.

Academies, 2327

Accident insurance companies, 1754

Accidents, railways, 1315

Accountants, 55, 853, 856a

Accounts, 853; state examiner of, 55; local government, 2575

Actions at law, civil procedure, 695; criminal procedure, 202; special, 739. *See also* Courts

Acts, *see* Statutes

Adjutant general, 2400, 1426a, 2391i

Administration of justice, civil procedure, 590; crimes against, 238; criminal procedure, 202

Administrative law, 750

Adulterations, 1464; of foods, 956

Agriculture, 1826; associations, 1835; department of, 1675d, 1675g; experiment stations, 1828, 1826a; fairs, 1840; schools of, 2343, 2342b; statistics, 1832

Alabama, communicable diseases, 1042a; convict labor, 357a; corporations, 514a, 525a; courts, 668a; crimes and offenses, 260a; criminal law, 229a; depositories, 868a, 868b, 868c; education, 2254a, 2270a, 2284a, 2327a, 2327b; elections, 150a, 154a, 160a; local finance, 2583a; game and fish, 1900a; encouragement of immigration, 1675a, 1675b; insurance, 1741a, 1754a; jails, 350a; juvenile offenders, 371a; labor, 2118a, 2118b, 2118c, 2125a; legislative sessions, 113a, 113b; liquors, 904a, 904b, 907a; lobbying, 99a, 99b; passes, 1237a; pensions, 2408a; personal injury, 471a; prisoners, 352a; public officers, 38(8a; public utilities, 2627a; railways, 1212a, 1212b, 1247a, 1249a, 1267a, 1267b; roads, 2700a,

2700b; speculation, 1507a, 1507b; Sunday observance, 929a, 929b; taxation, 800a, 825a, 841a, 845a; transportation and communication, 1205a; United States senators 84a; waterways, 1800a

Alcohol, 900; adulteration, 998

Almshouses, 2155

Amusements, 879

Animals, communicable diseases, 1144; domestic, 1875; noxious, 1856; tax on, 824. *See also* Live stock

Ansel, M. F., *see* South Carolina

Anthrax, 1153

Apothecaries, *see* Druggists

Appeals, civil cases, 733; court of, *see* Court of appeals; criminal cases, 225, 733a

Appraisal, public lands, 776

Appropriation of property, *see* Condemnation

Appropriations, 851. *See also* Accounts; Budget

Arbitration, 2136

Arbor day, 1598

Architect, state, 790a

Archives, 2365

Arid land grant, 1184

Arizona, agriculture, 1828a; attorney general, 50a; banks, 1680a; corporations, 509a; public debts, 865a; education, 2270b; state examiner, 55a; gambling, 883a; liquors, 910a; state departments, 38(7a; taxation, 846a, 846b; tobacco, 924a

Arkansas, banks, 1680b; capitol, 781a; convict labor, 354a, 354b; crimes and offenses, 260b, 286a; drainage, 1192a; education, 2282a, 2327c, 2351a; elections, 160(3a; labor, 2125b; lobbying, 99c; rail-

- ways, 1212c; speculation, 1507c; taxation, 800b
- Armories, 2392
- Artesian wells, 1189
- Assembly, *see* Legislature
- Assessment of taxes, *see* Taxation
- Assessments, special benefit, 2569
- Assessors, *see* Tax assessors
- Asylums, deaf and dumb, 2186; epileptics, 2210; feeble-minded, 2218; hospitals, 2165
- Attachment, 741
- Attorney general, 50; salary, 38(8b, 38(8f, 50a, 50d
powers and duties: combinations, 589c; corporations, 500a, 500c, 507b; election contests, 194a; public lands, 774f; mineral lands, 777(5a; newspapers, libel, 472a; printing supreme court reports, 67g; prosecuting attorneys, 675b, 675e; public officers, 38(9b; railways, 845b, 1267p
- Attorneys, 591; prosecuting, 675. *See also* District attorneys; Trials
- Auditor, *see* Counties, auditor; State auditor
- Automobiles, 2723
- Ballots**, 175
- Banks, 1679; accounts, dormant, 383a; branches, 1683; commissioners, 1680d; deposits, public funds, 868; state examiner, 856g, 1426a, 1680c, 1680s, 1680t, 1680v, 2583b; foreign, 1689; inspection, 1680; loans, 1691; savings, 1708, 1679c, 1680p; surplus, 1695; taxes, 843
- Barbers, 1540
- Battlefields, memorials on, 2376
- Bell, Charles J., *see* Vermont
- Benevolent associations, *see* Charities; Fraternal beneficiary societies
- Bigamy, 272
- Bills, legislative, 105, 108; clerk of, 3a. *See also* Statutes
- Birds, 1944; game, 1947
- Blind, 2188; institute for, 2183a
- Boilers, 1128; inspection, 874a
- Bonds, official, 38(4, 859a, 2593a; railways, 1279; state and local, *see* Debts, public
- Bookmaking, 887
- Bounties, wild animals, 1856
- Bribery, elections, 149; legislature, 99e, 115c
- Bridges, 1393
- Brooks, Bryant B., *see* Wyoming
- Broward, N. B., *see* Florida
- Buchtel, Henry A., *see* Colorado
- Bucket shops, 1507
- Budget, 849; local finance, 2575
- Building and loan associations, 1718
- Buildings, sanitation and safety, 1099
public, 779; insurance, 791
- Burke, John, *see* North Dakota
- Business taxes, *see* Taxation, business taxes
- Butter, 964
- California**, adulteration of foods, 956a, 956b; agriculture, schools of, 2343a, 2344a; attorney general, 50b; building and loan associations, 1718a; capitol, 781b; charities, 2172a; combinations, 589a; convict labor, 354c; criminal law, 202a; drugs, 954a; education, 2254b, 2270c, 2332a; elections, 160b, 160(3b, 160(3c; state engineer, 796a; epileptics, 2213a; expositions, 1662c, 1662d; forestry, 1890a; public health, 930a; indeterminate sentence, 370a; insane, 2193a; insurance, 1741b, 1741c, 1769a, 1769b; insurance of buildings, 791a; irrigation, 1183a, 1188a; juvenile offenders, 371(3a; public lands, 774a; military regulations, 2392a; state prisons, 341a; public officers, 38(8b; railways, 1267c; roads, 2702a; statutes, 14a; taxation, 807a, 807b; topography, 2384a; transportation and communication, 1205b; pol-

- lution of water, 1079a; water-ways, 1804a, 1804b, 1805a
 Campbell, T M., *see* Texas
 Canals, 1384
 Candidates, elections, 160
 Canvass of votes, 194
 Capital punishment, 229
 Capital stock, 509; railways, 1279
 Capitol, 781
 Car companies, 1267
 Cars, *see* Railways; Street railways
 Casualty insurance, 1764
 Caucuses, 160
 Chamberlain, George E., *see* Oregon
 Charities, 2140; blind, 2188; children, 2172; deaf and dumb, 2184, 2183a; defectives, 2183; epileptics, 2210; feeble-minded, 2215; insane, 2193; sick and disabled, 2160; state boards, 2142, 2182a
 Chemist, state, 956q
 Children, 2172; blind, 2188; deaf and dumb, 2184, 2183a; juvenile offenders, 371; labor, 2118, 2040b, 2040d, 2117b; placing out, 2182; reform schools, 343. *See also* Minors; Schools
 Cigarettes, 925, 900d, 924a
 Circuit court, 286a, 472a, 825g
 Cities, *see* Municipalities
 Citizenship, 116
 Civil law, 375
 Civil procedure, 695
 Civil service, 38(1; county, 2512; municipal, 2473
 Claims, state finance, 854
 Coal dealers, 1543
 Coal lands, 777(5c, 777(5e, 777(5g, 800k, 2020, 2063b
 Cobb, William T., *see* Maine
 Cocaine, 926, 900d
 Collateral inheritance tax, 836b
 Collectors, tax, *see* Tax collectors
 Colleges, exempt from taxation, 812a
 Colorado, adulteration of foods, 956c; banks, 1679a, 1680c; combinations, 589b; convict labor, 354d, 354e; criminal law, 212a, 213a; education, 2335a; epileptics, 2213b; state examiner, 55c, 55d; executive mansion, 782a; expositions, 1662c; forestry, 2347a; governor, 40a; insane, 2198a; insurance, 1732a, 1733a; labor, 2052a; public lands, 774b; liquors, 904c; mines and mining, 2020a, 2027a; parole, 372a, 372b; prisoners, 367a; state prisons, 341b; public officers, 38(8c; railways, 1212d, 1267d, 1267e; reform schools, 345a, 345b; roads, 2700c; soldiers homes, 2416a; statutes, 11a; United States senators, 84b
 Combinations, 589; railways, 1272; telegraph and telephone companies, 1421
 Comer, B. B., *see* Alabama
 Commerce and industry, 1422
 Commercial feed for stock, 1472
 Commissioners, counties, *see* Counties, commissioners
 Common carriers, 1240
 Communicable diseases, 1020; of animals, 1144
 Comptroller, *see* State comptroller
 Compulsory school attendance, 2270, 2220f
 Concealed weapons, 262
 Condemnation of property, 382; street railways, 1361, 1337a
 Confederate veterans, pensions and aid, 2409. *See also* Veterans
 Connecticut, agriculture, schools of, 2343b; banks, 1680d; building and loan associations, 1718b; civil procedure, 726a; corporations, 514b; courts, 659a; divorce, 480a; education, 2241a; elections, 150b, 160(3d; expositions, 1662c; labor, 2040a, 2117a, 2125c; legislative employees, 100a; legislative supplies, 103a; libraries, 2354a; memorials, 2377a; military regulations, 2392b; public utilities, 2627b; state institutions, 63a; statutes, 3a, 13a; street railways, 1337a; transportation and communication, 1200a

Conspiracy, 257

Constitutional amendments, assemblymen, 79b; biennial sessions, 113a, 113b; corporations, 523a; courts, 600b, 605a; direct legislation, 115b, 115c, 115d; divorce, 480j; elections, 131a, 134a, 160(3c, 171a, 187a; governor, 40a, 45a; land board, 774b; mines, taxation, 846d; poll tax, 132a; railways, 1267c, 1267d; roads, 2702f; school funds, 2241a, 2241c, 2241e; school taxes, 2240c, 2240d, 2244a; soldiers widows, homes, 2418a, 2418b; state depositories, 868c; state universities, 2332b; taxation, 807b, 807d, 812a, 819i, 830f; United States senators, 84a, 84c, 84d

Constitutional conventions, 32, 30a

Constitutional law, 15

Constitutions, 30

Consumption, 1042

Contagious diseases, 1020; of animals, 1144

Contests, elections, 194

Contracts, 453; officers not to be interested in, 38(6a; public, 787

Control, state board, 38(7a, 63c, 2145a

Conveyance of property, 392; public, 776

Convict labor, 354, 352a, 777(5c; roads, 358, 354b, 354d, 354r, 2702i

Convicts, *see* Criminals; Prisoners

Cooperative banks, 1718

Corporation commission, 825h, 1200d

Corporations, 500; capital stock, 509; contributions to campaign funds, 154, 150c, 150f, 150j, 150k, 150n; foreign, 525; taxes, 841, 800b. *See also* Banks; Combinations; Insurance; Railways, etc

Correctional institutions, *see* Reform schools; Reformatories

Corrections, 335

Corrupt practices, 149

Counties, 2492; assessors, *see* Tax assessors; auditor, 2593a; com-

missioner, 2510a, 2593a; courts, 225a, 645b, 853e; dispensary, 903a; government, 2492; jails, 349; new, 2498; police, 874; schools, *see* Schools; sheriffs, 659a, 675a, 927a; solicitor, 472a; treasurer, 868d

County officers, 2512; accounts, 856g; financial, 2593; removal, 675c; salaries, 38(8d; suspension from office, 55a

Court of appeals, reports, 67g

Court of appeals (intermediate), 1267s

Courts, 600; circuit, 286a, 472a, 825g; county, 225a, 645b, 853e; district, 126b, 225a, 668b; inferior, 645; intermediate, 609; judges, 668; justices, 653; juvenile, 371b, 371d, 371(3; officers, 657; probate, judges, 659a; stenographers, 694a; superior, 260c, 668d; supreme, *see* Supreme courts

Crawford, Coe I., *see* South Dakota Crimes and offenses, 234

Criminal insane, 361

Criminal law, 200

Criminal procedure, 202

Criminals, execution of, 228. *See also* Prisoners

Crossings, railway, 1267r; roads, 1319

Cummins, Albert B., *see* Iowa

Cutler, John C., *see* Utah

Dairy and food departments, 956g

Dairy products, 961

Damages, personal injury, 471, 2125; to property, freight, 1247. *See also* Condemnation of property; Property, crimes against

Dams, 1183

Davidson, James O., *see* Wisconsin

Dawson, William M. O., *see* West Virginia

Dead bodies, disposition of, 1048

Deaf and dumb, 2184; asylum for, 2183a; teachers of, 38(1a

Death penalty, 229

- Debts, public, 865; local and municipal, 2597; schools, 2245
- Debts, *see also* Property, corporations
- Defectives, 2183; blind, 2188; deaf and dumb, 2184, 2183a; epileptics, 2210; feeble-minded, 2215
- Delaware, adulteration of foods, 956d; automobiles, 2723a; civil procedure, 726b; communicable diseases, 1042b; of animals, 1153a; crimes and offenses, 246a, 257a, 262a, 272a, 304a; depositories, 868d; divorce, 480b; elections, 132a, 181a; expositions, 1662c; fish, 2011a; encouragement of immigration, 1675c; legislative supplies, 103b; libraries, 2354b; liquors, 907b; lobbying, 99d; memorials, 2376a; overlegislation, 85a; pardons, 373a; public officers, 38(8d; roads, 2702b; taxation, 800c, 825b
- Delinquent taxes, 829, 800g
- Deneen, Charles S., *see* Illinois
- Depositories, 868
- Deposits, insurance companies, 1741
- Dikes, 1192
- Direct legislation, 115
- Direct nominations, 160(3
- Discipline, public officers, 38(9
- Discriminations, 1593, 589a, 589d; insurance, 1742; transportation and transmission, 1205, 1200d, 1212k
- Diseases, communicable, 1020; of animals, 1144
- Dispensaries, liquor, 903
- Dissolution, corporations, 523; insurance companies, 1743
- District attorneys, 675
- District courts, 225a; judges, 126b, 668b.
- Dividends, insurance companies, 1744
- Divorce, 480
- Docks, 1804
- Doctors, *see* Physicians
- Domestic animals, 1875; contagious diseases, 1144; taxation, 824. *See also* Live stock
- Domestic relations, 474
- Drains, 1192
- Druggists, 900d
- Drugs, sale of, 952, 900d, 926a
- Drunkards, 921
- Education, 2220; county boards, 2230; district, township and municipal, 2237; state boards, 2229, 2220b, 2240d, 2282a; compulsory, 2220f; elementary, 2223; higher, 2330; professional and technical, 2342; secondary, 2223. *See also* Schools; Universities
- Educational institutions exempt from taxation, 812
- Elections, 126; ballots, 175; contests, 194; days, 171; offenses, 149; presidential, 197; primary, 160
- Electric companies, 1200c; taxation, 845t
- Electric railways, *see* Street railways
- Electricity, commission of, 2627c, 2633a
- Elrod, Samuel H., *see* South Dakota
- Embalming, 1051
- Embezzlement, 322
- Eminent domain, *see* Condemnation of property
- Employees, hours of labor, 2085; mines, 2064; railways, hours, 2097; safety, 2052; state, 150k; street railways, hours, 2098; wages, 2100. *See also* Labor
- Employers liability, 2125
- Employment, 2113; bureaus, 2115. *See also* Labor
- Engineers, 1128; state, 796
- Engrossing clerk, 3a
- Epidemics, *see* Contagious diseases
- Epileptics, 2210
- Equalization of taxation, 825; state boards, 38(4g, 800g, 845q, 845r, 845t, 845u, 846d, 1267d; territorial board of, 846a

- Escheats, 383**
Estrays, 1879
Evidence, criminal procedure, 219
Excise commissioner, 900a, 900b, 900c
Execution of criminals, 228
Executive mansion, 782
Exemptions from taxation, 810
Expositions, 1662
Express, 1267, 1378
Express companies, 1200b, 1200c, 1200d, 1200e, 1378a, 2627a; taxation, 845c, 845d, 845g, 845t
- Factories, 2040, 874a**
Fairs, agricultural, 1840; expositions, 1662
Family, 474; crimes against, 264; support, 496
Farmers institutes, 1829, 1826a
Farming, *see* Agriculture
Fast day, 1596a
Feeble-minded, 2215
Fees, public officers, 38(8)
Fellow servant law, 2125
Felonies, bookmaking, 887a; bucket shops, 1507d, 1507f; liquors, unlawful sale, 912a
Finance, 770; local, 2550; school, 2237, 2333. *See also* Accounts
Financial officers, 857; local, 2588
Fire departments, 2603
Fire insurance, 1764
Fire marshals, 1093, 1764d
Fire wardens, 1890a, 1893a, 1900c
Firearms, 262
Fires, 1092; forest, 1893
Fiscal year, 860
Fish, 1900, 1959
Florida, budget, 849a; capitol, 781c; communicable diseases, 1030a, 1042c, 1043a; convict labor, 354f; corporations, 509b; county government, 2510a; education, 2223a, 2254c, 2272a, 2332b; local finance, 2575a; fire wardens, 1900c; forestry, 1893a; game and fish, 1900b, 1900c, 1906a; encouragement of immigration, 1675d; insurance, 1735a; juvenile offenders, 371b; labor, 2097a, 2100a, 2118d; legislature, 79a, 80a; libel, 472a; lobbying, 99e; military regulations, 2391a; negroes, education, 2246a; railways, 1249b, 1267f, 1267g, 1267h, 1267i, 1267j, 1279a, 1311a, 1315a, 1320(5a, 1329a; sewerage, 2661a; speculation, 1507d; state departments, 38(7b; taxation, 807c, 841b; transportation and communication, 1200b; vital statistics, 938a
- Floyd, Charles M., *see* New Hampshire**
Folk, Joseph W., *see* Missouri
Foods, adulteration of, 956
Foreclosures, 406
Foreign banks, 1689
Foreign corporations, 525
Foreign insurance companies, 1746
Forest fires, 1893
Forest preserves, 1894
Forestry, 1890, 2347; commission, 38a. *See also* Timber
Franchise, electoral, 131, 134a
Franchises, 2628, 1180g; taxation, 841a, 841b, 841c
Franks, 1237
Fraternal beneficiary societies, 1761
Fraud, 325; mines and mining, 2027
Free public libraries, 2356
Freight, 1240; rates, 1212, 845i, 1200d, 1212n, 1267k, 1267q; street railways, 1345; traffic on Sunday, 929a, 929b
Fruit pests, 1844
Funds, 861; depositories, 868. *See also* Finance
- Gambling, 883**
Game, 1900; big game, 1913; birds, 1947
Garnishment, 742
Gas, 2629c; commissioners, 2627c, 2633a
Geologist, state, 1079d
Geology, 2384

- Georgia, agriculture, 1828b; education, 2220a, 2220b, 2229a, 2230a, 2266a, 2328a, 2342a, 2343c, 2350a; elections, 134a, 150c, 160c; liquors, 912a; lobbying, 99f; negroes, education, 2246b; nurses, 1575a; passes, 1237b; railway employees, 2126a; railways, 1267k, 1267n, 1267p, 1281a; taxation, 812a, 819a
- Gillett, James N., *see* California
- Girls, employment in saloons, 910a; institutions for, 345
- Glenn, Robert B., *see* North Carolina
- Gooding, F. D., *see* Idaho
- Government, crimes against, 236
- Government documents, 67
- Government ownership, railways, 1280
- Governor, 40; contingent fund, 852; mansion, 782; salary, 38(8b, 38(8f; term of office, 40a
 appointments: 40b, 675e; accountants, 55d; agriculture, commission on, 2343b; delegates, 58a; election commissioners, 126c; equalization, state board of, 825f; insurance commissioner, 1733a; monument commission, 2376b; reformatory, committee on, 343d
 powers and duties: agriculture, schools of, 2342b; appointment, 40b, 675e; county attorney, 675d; investigation of departments, 38b; lands, 777(5a; removals, 65a, 65b, 675d, 675e; state depositories, 868d; state treasury, examination of, 856a; veto, 45
- Grade crossings, 1317
- Grain warehouses, 1515
- Grand jury, 213
- Guild, Curtis, jr, *see* Massachusetts
- Hagerman, Herbert J., *see* New Mexico
- Hanly, J. Frank, *see* Indiana
- Harbor and land commissioners, 2633a
- Harbors, 1803
- Health, public, 930; adulteration of foods, 956; medicine, state control of, 940; sanitation of buildings, 1099; state boards, 932, 938a, 938c, 938d, 956a, 956c, 956q, 1030a, 1043a, 1051a, 1329a, 2661a
- Health and comfort of employees, mines, 2064
- Heyward, D. C., *see* South Carolina
- Higgins, James H., *see* Rhode Island
- High schools, 2327, 2220j; fraternities, 2327d
- Higher education, 2330
- Highways, *see* Roads
- Historical societies, 2366
- History, 2363
- Hoch, E. W., *see* Kansas
- Holidays, 1596
- Homicide, 304
- Horse commissioners, 1875a
- Horticulture, 1844, 1832b
- Hospitals, 2165
- Hours of labor, 2085; railway employees, 1320(5b, 1320(5c
- Hughes, Charles E., *see* New York
- Hunting, 1900
- Husband and wife, 474
- Idaho, convict labor, 354g; elections, 160(3e, 179a; public health, 932a; history, 2365a; horticulture, 1844a; juvenile offenders, 371c; passes, 1237c; railways, 1267q; taxation, 842a
- Idiots, 2215
- Illinois, adulteration of foods, 956e; banks, 1680e; blind, 2188a; canals, 1384a, 1384b; charities, 2142a, 2182a; civil procedure, 695a; communicable diseases, 1042d; convict labor, 359a; depositories, 868e; education, 2220c, 2332c; epileptics, 2213c; fire marshals, 1093a; geology, 2384b; insane, 2193b, 2205a; insurance, 1746a, 1754b, 1764a,

- 1764b, 1764c, 1768a, 1770a; labor, 2040b; legislative procedure, 105a; passes, 1237d; property and supplies, 790a; public officers, 38(1a, 38(4a; railways, 1267r; reform schools, 343a; reformatories, 347a; soldiers homes, 2416b; state prisons, 341c; taxation, 800d, 845b; war relics, 2378a
- Immigration, 1675
- Immoral exhibitions, 280
- Income tax, 830
- Indeterminate sentence, 370, 335a, 347c
- Indiana, banks, 1680f; combinations, 589c; convict labor, 354h; crimes and offenses, 322a; criminal law, 229b; depositories, 868f; elections, 160(3f; fiscal year, 860a; gambling, 883b; insurance, 1733b, 1733c, 1754c; labor, 2125d; libraries, 2354c; liquors, 916a; lobbying, 99g; memorials, 2376b; pardons, 373b; passes, 1237e; prosecuting attorneys, 675a; public documents, 67a; public officers, 38(9a; railways, 1227a, 1267s; reform schools and reformatories, 345c; state examiner, 55d; state institutions, 63b; taxation, 809a, 823a, 836a, 843a; United States senators, 84c
- Indians, 123
- Industrial combinations, *see* Combinations
- Industrial insurance, 1762
- Industrial schools, 2350, 345a, 345b, 345d, 345e, 346a, 2342a, 2342d
- Industries, encouragement of, 1630
- Inebriates, 921
- Infectious diseases, 1020; of animals, 1144
- Inferior courts, 645
- Inheritance taxes, 836
- Initiative, 115, 32b
- Injunctions, 749a, 749b
- Injuries, *see* Damages
- Insane, 2193; criminal, 361
- Insect pests, 1844
- Insolvency, corporations, 523; insurance companies, 1743
- Insurance, of buildings, 791; casualty, 1764; commissioner, 868d; fire, 1764; industrial, 1762; life, 1754, 1732b, 1735a, 1735b, 1742a; state departments, 1733; state institutions, 63a
- Insurance companies, 1732; accident, 1754; foreign, 1746; life, 1754; mutual, 1759, 1770
- Intemperance, *see* Drunkards
- Interest, 461
- Intermediate courts, 609
- Internal improvement commission, 1384a, 1384b
- Interstate commerce commission, 1249d, 1272b, 1289a
- Intoxicating liquors, 900; adulteration, 998
- Intoxication, 921
- Investments, public funds, 861; school funds, 2241
- Iowa, agricultural education, 2343d; commercial feed for stock, 1472a; corporations, 500a, 514c; corrections, 335a; elections, 150d, 154b, 160(3g, 185a; embalming and undertaking, 1051a; expositions, 1662c, 1662d; express, 1378a; family, 496a; insurance, 1754d; labor, 2097b, 2125c; municipalities, 2438a; passes, 1237f, 1237g; public officers, 38(1b; railways, 1227b, 1249c; taxation, 836b, 841c, 845c; United States senators, 84d; war records, 2379a
- Irrigation, 1183
- Jails, 340
- Jamestown Exposition, 1662
- Jelks, William D., *see* Alabama
- Johnson, John A., *see* Minnesota
- Judges, 668. *See also* Courts
- Judgments, criminal procedure, 224
- Juries, civil procedure, 726; criminal procedure, 230; grand, 213
- Justice, administration of, 590; crimes against, 238

Justices of the peace, 653
 Juvenile courts, 371(3, 371b, 371d
 Juvenile offenders, 371; reform
 schools, 343

Kansas, accounts, 856a; adultera-
 tion of foods, 956f; agricultural
 education, 2343e; banks, 1695a;
 charities, 2145a; communicable
 diseases, 1042c; courts, 668b;
 education, 2240a, 2240b, 2327d,
 2332d; elections, 146a, 160(3h;
 inebriates, 921a; insane, 2193c;
 insurance, 1764d; jails, 349a;
 negroes, education, 2246c; pa-
 role, 372c; passes, 1237h; public
 officers, 38(4b; railways, 1212e,
 1227c; reformatories, 343b;
 roads, 2702c; statistics, 19; taxa-
 tion, 819b; telegraph and tele-
 phone companies, 1411a; pollu-
 tion of water, 1079b

Kibbey, Joseph H., *see* Arizona

Labor, 2040; bureau of, 38a; chil-
 dren's, 2118, 2040b, 2040d, 2117b;
 commissioners, 1110a; convict,
 354, 352a, 777(5a; on roads, 358,
 354b, 354d, 354r, 2702i; disputes,
 2134; employers liability, 2125;
 employment, 2113; hours, 2085;
 hours, railway employees,
 1320(5b, 1320(5c; Sunday, 2092;
 troubles, 749b; wages, 2100;
 women's, 2117

Laborers, *see* Employees

Lakes, fresh-water, 2679a

Land commissioners, 861a

Land registration, Torrens sys-
 tem, 398

Lands, 379; conveyance of, 392;
 drainage, 1183; public, 774;
 school, 2240, 777(5d; school,
 state institutions, 2333. *See also*

Property

Lanham, S. W. T., *see* Texas

Law, 1; practice of, 591

Laws, *see* Statutes

Lawyers, *see* Attorneys

Lea, Preston, *see* Delaware

Legal holidays, 1596

Legislation, comparative, 14;
 special, procedure, 110; uniform,
 13. *See also* Statutes

Legislative librarian, 3a

Legislative printing, 5

Legislative procedure, 105

Legislative reference, 2363a

Legislature, 77; apportionment,
 80; members, salary, 90; officers
 and employees, 100; sessions,
 113; supplies, 103. *See also* Sena-
 tors

Levees, 1192

Libel, tort, 472

Librarian, state, 7a, 103b, 1675n;
 powers and duties, 30a

Libraries, 2352; free public, 2356;
 state, 2354; traveling, 2357

Licenses, fishing, 1906; hunting,
 1906; marriage, 478

trades and occupations: 1532;

barbers, 1540; coal dealers, 1543;

medicine, 943; nurses, 1575.

See also Taxation, business taxes

Liens, 405

Lieutenant governor, 48

Life insurance, 1754, 1732b, 1735a,
 1735b, 1742a

Lighting, 2629c

Liquor dealers, tax on, 800b

Liquors, intoxicating, 900; adul-
 teration, 998

Little, John S., *see* Arkansas

Live stock, 1875; transportation,
 1260. *See also* Domestic animals

Lloyd's associations, 1768

Loan associations, 1718

Loans, banks, 1691

Lobbying, 99

Local finance, 2550

Local government, 2430

Local improvements, 2620

Local legislation, 88; procedure,
 110

Local option, liquors, 904, 900a,
 907a

Lunatics, *see* Insane

Lynching, 927

- McDonald, Jesse F.**, *see* Colorado
- Maine**, accounts, 856b, 858a; capitol, 781d; charities, 2143a; criminal insane, 361a; direct legislation, 115a; elections, 160(3i; labor, 2118e; legal holidays, 1596a; roads, 2700d
- Manslaughter**, 304a
- Manual training schools**, 2350
- Markets**, 1508
- Marriage**, 476
- Massachusetts**, accounts, 856c; automobiles, 2723b, 2723c; banks, 1679b, 1689a; boiler inspectors, 1129a; capitol, 781e; civil procedure, 726c; commerce and industry, 1422a; crimes and offenses, 325a; discriminations, 1593a; divorce, 480c; elections, 150e; forestry, 1890b; harbors, 1803a; insurance, 1754e, 1762a; labor, 2040c, 2092a, 2118f; military regulations, 2391b; public order, 874a; public utilities, 2633a; railways, 1212f, 1267t, 1272a; speculation, 1507e; statutes, 13b; taxation, 836c, 841d; telegraph and telephone companies, 1414a; waterways, 1804c
- Mead, Albert E.**, *see* Washington
- Meats**, inspection, 1004
- Medicine**, state control, 940. *See also* Physicians
- Memorials**, 2370; on battlefields, 2376; to individuals, 2377
- Michigan**, adulteration of foods, 956g; banks, 1680g; public buildings, 1099a; convict labor, 354i, 354j; criminal law, 217a; education, 2240c; elections, 150f, 160d, 160(3j, 160(3k; forestry, 1890c; public health, 932b; insurance, 1754f; labor, 2115a; libraries, 2357a; lobbying, 99h; personal injury, 471b; railways, 1227d, 1227e, 1249d, 1260a, 1279b; roads, 2702d; street railways, 1337b; taxation, 845d; United States senators, 84e
- Mickey, John H.**, *see* Nebraska
- Mileage**, 1200d; books, 1227g, 1227h, 1227k; judges and attorneys, 659b
- Military regulations**, 2388.
- Militia**, 2391
- Milk and milk products**, 961
- Mineral lands**, 777(5
- Mines and mining**, 2020; workshop regulations, 2063
- Mining companies**, 325a, 325b; taxation, 846
- Minnesota**, adulteration of foods, 956h; attorney general, 50c; banks, 1680h, 1680i, 1691a; capitol, 781f; charities, 2142b, 2186a; communicable diseases of animals, 1144a; convict labor, 354k, 359b; direct legislation, 115b; divorce, 480d; drainage, 1192b; education, 2220d, 2229b, 2230b, 2241b, 2270d, 2333a; elections, 160(3n; state examiner, 55e; feeble-minded, 2218a; local finance, 2593a, 2599a; forestry, 1890d; insane, 2193d; insurance, 1754g; labor, 2040d, 2115b, 2125f; public lands, 777(5a, 778(5a; lobbying, 99i; memorials, 2377b; mines and mining, 2020b; passes, 1237i; pensions, 2408b; public utilities, 2629a; railways, 1212g, 1212h, 1227f, 1249e; reform schools and reformatories, 345d; roads, 2702e; soldiers homes, 2416c; taxation, 800e, 809b, 819c, 825c, 829a, 830a, 842b, 845e, 845f, 845g, 845h, 846c
- Minors**, sale of tobacco to, 924a; sale of liquor to, 900d. *See also* Children
- Misdemeanors**, adulteration of foods, 956b; immoral exhibitions, 280a; libel, 472a. *See also* Penalties
- Missouri**, adulteration of foods, 956i; banks, 1680j; bookmaking, 887a; capitol, 781g; combinations, 589d, 589e; constitution, 32a, 32b; corporations, 507a; courts, 600a; crimes and offenses,

- 325b; criminal law, 202b, 219a; direct legislation, 115c; education, 2223b, 2270e, 2282b, 2333b; elections, 160(3p, 181b, 187a; expositions, 1662c; insurance, 1732b; juvenile offenders, 371d; labor, 2118g; liquors, 900a, 900b, 900c, 904d, 910b; lobbying, 99j; municipalities, 2478a; parole, 372d; passes, 1237j; prosecuting attorneys, 675b, 675c; public order, 875a, 875b; public utilities, 2629b, 2630a, 2630b; railways, 1212i, 1212j, 1267u; roads, 2702f; speculation, 1507f; statutes, 11b; taxation, 807d; transportation and communication, 1205c
- Mob violence**, 927
- Money**, 461
- Money and securities**, taxation, 809
- Monopolies**, *see* Combinations
- Montana**, accounts, 861a; agriculture, 1829a; Arbor day, 1598a; banks, 1680k; bounties on animals, 1856a; convict labor, 354n; crimes and offenses, 325c; direct legislation, 115d; education, 2240d; elections, 160(3q, 181c, 187b; fiscal year, 860b; horticulture, 1844b; irrigation, 1183b; labor, 2118h; public lands, 774c; libraries, 2354d; military regulations, 2391c; mines and mining, 2063a, 2063b; parole, 372c; passes, 1237k; public officers, 38(4c, 38(9b; railways, 1314a; soldiers homes, 2416d; statutes, 11c; taxation, 824a, 833a; transportation and communication, 1200c
- Monuments**, 2370
- Morals**, crimes against, 264
- Morphine**, good
- Mortgages**, foreclosures, 406; railways, 1279; taxation, 800a, 809a, 809b, 809c, 809d
- Motocycles**, 2723
- Municipal franchises**, *see* Franchises
- Municipal legislation**, 110a
- Municipal ownership**, 2629. *See also* Government ownership
- Municipal utilities**, 2627
- Municipalities**, 2432; accounts, state audit of, 856d; classification, 2442; courts, 645a; debts, 2597; finance, 2550; fire department, 2603; jails, 350; officers, 2473, 2588; organization, 2438; police, 875; taxes, 2566
- Murder**, 304
- Mutual insurance companies**, 1759, 1770
- Narcotics**, 900
- National guard**, 2391
- Naturalization**, 118
- Nature study**, 2343c
- Navigation**, 1800*
- Nebraska**, accounts, 863a; adulteration of foods, 956j; agriculture, 1828a; budget, 851a; civil procedure, 695b; communicable diseases of animals, 1144b; courts, 605a; dairy products, 964a; education, 2240e, 2241c, 2241d; elections, 160e, 160(3r; expositions, 1662c; insane, 2193e; labor, 2040e, 2118i; legislative procedure, 105b; liquors, 912b; lobbying, 99k, 99n, 99p; notaries public, 669a; passes, 1237n; prosecuting attorneys, 675d; public officers, 38(4d; railways, 1212k, 1267v; roads, 2702g; state institutions, 65a, 65b; taxation, 809c, 810a, 827a, 845i, 845j; telephone companies, 1414b
- Negotiable instruments**, 464
- Negroes**, education, 2246
- Nepotism**, 38(6b
- Nevada**, banks, 1680n; capitol, 781h; education, 2241e; fish, 1961a; forestry, 1894a; public lands, 774d; military regulations, 2391d; mines and mining, 2020c; notaries public, 669b; prize fighting, 889a; public officers, 38(8e

New Hampshire, accounts, 858a; education, 2223c, 2332e; elections, 160f, 160(3s; feeble-minded 2218b; forestry 1890e; game and fish, 1900d, 1919a; horticulture, 1850a; labor, 2040f; libraries, 2354e; liquors, 916b; lobbying, 99q; military regulations, 2392c; overlegislation, 85b; passes, 1237p; property and supplies, 787a; public officers, 38a; reform schools, 346a; taxation, 800f

New Jersey, accounts, 854a, 856d; courts, 600b; criminal law, 213b, 213c; divorce, 480e; education, 2266b; elections, 149a, 150g, 171a, 182a, 182b, 185b; fish, 1988a; forestry, 1890f; fresh-water lakes, 2679a; encouragement of immigration, 1675e; insurance, 1754h; labor, 2125g; public lands, 778a; legislature, 79b; lobbying, 99r; local legislation, 110a; public officers, 38c, 38(1c; statutes, 11d; United States senators, 84f, 84g; pollution of water, 1079c, 1079d; control of waters, 1180a, 1180b

New Mexico, artesian wells, 1189a; charities, 2144a, 2183a; county government, 2498a, 2517a; criminal law, 220a; depositories, 868g, 868h; divorce, 480f; domestic animals, 1879a; education, 2220e, 2230c, 2240f, 2245a, 2258a, 2266c, 2330a; elections, 126a, 132b, 160g, 175a, 187c; expositions, 1662a; forestry, 1894b; gambling, 883c; game, 1906b; encouragement of immigration, 1675f; irrigation, 1183c; public lands, 774e; medicine, 944a; military regulations, 2392d; public documents, 67b; public officers, 38(4e; railways, 1249f; reform school, 343c; roads, 2702h; state prisons, 341d; statutes, 11e; taxation, 800g

New York, adulteration of foods, 956k; canals, 1384c, 1384d; con-

demnation of property, 382a; courts, 645a; elections, 150h, 150i, 160h, 160(3t, 160(3u, 160(3v, 175b, 181d, 194a, 194b; forestry, 1894c; jails, 349b; labor, 2040g, 2118j; legislature, 80b; municipalities, 2438b; probation, 374a; public parks, 2369a; public officers, 38b; public utilities, 2627c, 2627d; statutes, 11f; taxation, 845k; control of waters, 1180c, 1180d, 1180e

Newspapers, libel, 472a, 472b

Nominations, 160

Normal schools, 2266

North Carolina, capitol, 781i; charities, 2143b, 2143c, 2186b; convict labor, 354p; corporations, 500b; crimes and offenses, 260c; criminal law, 230a; public debts, 865b; education, 2220f, 2328b, 2332f, 2342b; expositions, 1662c; fire department, 2616a; fish, 2011b; game, 1947a; encouragement of immigration, 1675g; insane, 2193f; insurance, 1732c, 1744a, 1746b, 1752a, 1762b; labor, 2118k; liquors, 900d; lobbying, 99s; military regulations, 2391e, 2400a; mob violence, 927a; public officers, 38(8f; railways, 1227g, 1308a, 1314b, 1315b, 1320(5b; reform schools, 343d; roads, 2700e; taxation, 800h, 825d, 833b, 845n; transportation and communication, 1200d

North Dakota, accounts, 856e, 861b, 863b; adulteration of foods, 956n; agriculture, 1840a; charities, 2142c; combinations, 589f; county government, 2498b; criminal law, 225a; direct legislation, 115e; divorce, 480g; drainage, 1192c; education, 2220g, 2229c, 2241f, 2241g, 2334a; elections, 126b, 160(3w, 160(3x; encouragement of immigration, 1675h; insurance, 1754i; insurance of buildings, 791b; public lands, 777(5b; legislature, 80c;

- liquors, 902a; military regulations, 2391f, 2392e; mortgages, 406a; passes, 1237q; public documents, 67c, 67d; railways, 1212n, 1249g, 1249h, 1315c; state institutions, 65c; statutes, 3b; taxation, 819c, 825e, 845p, 845q; weather bureau, 1832a
- Notaries public, 669, 38(6c)
- Noxious animals, 1856
- Nuisances, 1065
- Nursery stock, 1844
- Nurses, licensing of, 1575
- Officers**, 38. *See also* State officers
- Oil companies, 325b
- Opium, 926
- Optometry, 946
- Oregon, accounts, 853a, 856f; banks, 1680p; capitol, 781j; communicable diseases, 1042f; communicable diseases of animals, 1177a; convict labor, 354q; depositories, 868; education, 2266d; elections, 150j; expositions, 1662c, 1662d; feeble-minded, 2218c; forestry, 1894d; insane, 2202a; irrigation, 1183d, 1184a; public lands, 776a, 778b; legislature, 80d; lobbying, 99t; mines and mining, 2024a; notaries public, 669c; passes, 1237r; prisoners, 353a; property, 383a; public documents, 67e; railways, 1249i, 1267w; roads, 2702i; taxation, 807e, 830b, 836d, 841e; United States senators, 84h; control of waters, 1180f
- Overlegislation, 85
- Oysters, 2011
- Pardee**, George C., *see* California
- Pardons, 373
- Parks, public, 2369a
- Parole, juvenile offenders, 371(3a, 371(3c; prisoners, 372, 347c, 370a
- Parties, political, 126
- Passenger rates, 1227, 1212c, 1212n, 1267k
- Passes, 1237, 1227c, 1227i
- Patent medicines, 954a, 956t
- Patterson, Malcolm R., *see* Tennessee
- Penalties, automobiles, 2723a; combinations, 589d; corporations, 500b; diseased animals, importation of, 1144a; drugs, unlawful sale of, 900d; elections, 149a, 149b; freight traffic, 1212i, 1212j; libel, 472b; liquors, illegal sale, 902a, 912b, 916a; passes, 1237a, 1237n, 1237p; physicians, 938a; railroad corporations, 1205c; taxation, 800g, 824a, 825e, 845f; taxation, evasion of, 819b, 819h; tobacco, unlawful sale of, 924a; usury, 461a. *See also* Felonies; Misdemeanors
- Penitentiaries, 341
- Pennsylvania, adulteration of foods, 956p; banks, 1680q; capitol, 781k, 781n; communicable diseases, 1042g; divorce, 480h; education, 2240g; fish, 1988b; forestry, 1893b; game, 1950a; insane, 2198b; memorials, 2377c; public officers, 38(1d; railways, 1227h, 1240a, 1267x; roads, 2702j, 2702k; street railways, 1345a, 1361a
- Pennypacker, Samuel W., *see* Pennsylvania
- Pensions, soldiers, 2406
- Perjury, 246
- Personal injury, 471; employers liability, 2125
- Personal property, taxation, 808, 823
- Persons, crimes against, 292
- Pharmacists, *see* Druggists
- Physicians, 944, 900d
- Piers, 1804
- Placing out children, 2182
- Police, 872
- Political candidates, *see* Candidates
- Political parties, 126
- Poll tax, 132, 831
- Pollution of water, 1079
- Polygamy, 282

- Poorhouses, 2155
 Presidential elections, 197
 Primary elections, 160
 Printing, legislative, 5; public, 67
 Prisoners, discipline, 352; in jails, 349; pardons, 373; parole, 372, 347c, 370a; sentencing and reform, 363; in state prisons, 341; testimony, criminal procedure, 220a; transportation, 353. *See also* Convict labor; Criminals
 Prisons, state, 341
 Privilege taxes, *see* Taxation, business taxes
 Prize fighting, 889
 Probate courts, judges, 659a
 Probation, 374; juvenile, 371(3); officers, 371c
 Procedure, civil, 695; criminal, 202
 Proctor, Fletcher D., *see* Vermont
 Professional education, 2342
 Prohibition, 902
 Property, 377; actions affecting, 739; conveyance of, 392; corporations, 509; crimes against, 308; damages to, freight, 1247; personal, taxation, 808, 823; public, 770; public, conveyance of, 776; real estate, 379; titles to, 381. *See also* Mortgages; Taxation
 Property and supplies, public, 784
 Proprietary medicines, 954
 Prosecuting attorneys, 675
 Prosecutions, criminal procedure, 212
 Public buildings, 779; sanitation and safety, 1099
 Public documents, 67
 Public examiner, *see* State examiner
 Public health, 930
 Public instruction, state superintendent of, salary, 38(8b), 38(8f)
 Public lands, 774
 Public libraries, 2356
 Public morals, crimes against, 264
 Public officers, 38
 Public order, 870; crimes against, 256
 Public ownership, *see* Government ownership
 Public parks, 2369a
 Public printing, 67; session laws, 7
 Public property, 770
 Public prosecutor, 675
 Public safety, 1090; labor, 2052; railways, 1313
 Public service corporations, 1200, 2627, 507a; capital stock, 514a, 514b; taxation, 845, 800k, 807f, 841a, 841e. *See also* Railways
 Public works, 793; local government, 2620; superintendent of, 1384c
Railways, 1200, 1267; branches, 1289; capital stock, 1279, 514a; cars, public comfort regulations, 1329; commissioners, 1200a, 1200b, 1200c, 1200e, 1212d, 1212f, 1212h, 1212k, 1212n, 1212q, 1227k, 1249a, 1249b, 1267a, 1267c, 1267d, 1267e, 1267f, 1267g, 1267h, 1267i, 1267j, 1267q, 1267r, 1267s, 1267t, 1267u, 1267v, 1267w, 1267x, 1267y, 1267z, 1267za, 1267zb, 1279b, 1279c, 1315a, 1337b, 1337c, 1378a, 1411a, 1414b, 1800a, 2627a, 2627c, 2627d, 2633a; consolidation, 1272; corporate organization and power, 1268; crossings, 1317, 1267r; employees, 1320(5), 2085a; employees, hours, 2097; examinations, 55e; liability for injury, 2126; passenger rates, 1227, 1212c, 1212n, 1267k; passes, 1237, 1227c, 1227i; public ownership, 1280; rates, 1212; right of way, 1295; safety regulations, 1314; taxation, 845, 841a; traffic regulations, 1301; train service, 1303; transfer facilities, 1312. *See also* Street railways
 Rape, 286
 Real property, 379. *See also* Property
 Records, conveyances, 396; historical, 2365; war, 2379
 Referendum, 115, 32b

- Reform schools, 343, 346
 Reformatories, 343, 347
 Registration of voters, 187
 Reports, departmental, 38(7)
 Resources and attractions, 1675
 Revenue, *see* Taxation
 Rhode Island, banks, 1680r; elections, 131a, 150k, 160i, 181e, 187d; expositions, 1662c; family, 478a; feeble-minded, 2218d; governor, 40a, 45a; insurance, 1761a; labor, 2098a; legislature, 80e; lobbying, 99u; public officers, 38(6a; public order, 875c; roads, 2702n; soldiers homes, 2416e; statutes, 13c
 Rights of way, railways, 1295.
See also Condemnation of property; Franchises
 Riparian commission, 1079d
 Riparian lands, 778a
 Roads, 2700; capital stock, 514a; commissioners, 2723c; convict labor, 358, 354b, 354d, 354r, 2702i; crossings, 1319; taxes, 2702b, 2702e, 2702f
 Roosevelt, Theodore, *see* United States
 Rural schools, 2223b, 2230a, 2244a, 2267b, 2343c

Safety, public, 1090; labor, 2052; railways, 1314
 Salaries, public officers, 38(8. *See also* Wages
 Sanitation, 930; buildings, 1099.
See also Health, public
 Sarles, E. Y., *see* North Dakota
 Savings and loan associations, 1718
 Savings banks, 1708, 1679c, 1680p
 Scales, standards, 1426
 Scenic places, 2369
 Schoolhouses, 1099a
 Schools, 2220; of agriculture, 2343, 2342b; attendance, 2267; compulsory attendance, 2270, 2220f; place of attendance, 2272; boards, 2228; commissioner, 2230a; conveyance of pupils, 2272; county, 2230, 2244; courses of study, 2223a, 2282a; debts, 2245; district, township and municipal, 2231; elementary, 2223; finance, 2237, 2333; grounds, 2233a; high, 2327, 2220j; industrial, 2342a, 2342d; lands, 2240, 777(5d; lands, state institutions, 2333; normal 2266; officers, 2228; professional, 2342; rural, 2223b, 2230a, 2244a, 2267b, 2343c; secondary, 2223, 2327; state aid, 2328; county superintendents, 126b, 2230b, 2230c, 2230d, 2230e; state superintendents, 2229, 126b; taxes, 2240; technical, 2342; textbooks, 2282, 2223a; year, 2275. *See also* Teachers
 Science, 2220
 Scientific work, 2380
 Sealers, 1426
 Secondary schools, 2223, 2327
 Secretary of state, recommendations on attorneys for corporations, 525b; banking department part of office, 1680j; fee for commission, 669c; salary, 38(8b powers and duties: corporations, 500c; public funds, 868d; public printing, 67g; session laws, 7a; state treasury, examination of, 856a; United States senator, certification of vote for, 84e
 Senators, state, 79d, 80b. *See also* Legislature
 Senators, United States, 84, 32b, 160(3h, 160(3p, 160(3q, 160(3x
 Sentences, criminal procedure, 228; indeterminate, 370, 335a, 347c
 Session laws, distribution, 7
 Sewerage, 2661; commission, 1079c; pollution of water, 1079
 Sheep, diseases of, 1177
 Sheldon, George L., *see* Nebraska
 Shellfish, 2000
 Sheriffs, *see* Counties, sheriffs
 Shore lands, 778
 Sick and disabled, 2160
 Slander, tort, 472

- Sleeping car companies, 1200c, 1200e; taxation, 845e
- Smith, Hoke, *see* Georgia
- Soldiers, homes, 2416; monuments, 2376. *See also* Veterans
- South Carolina, capitol, 781p, 781q; communicable diseases, 1027a; confederate veterans, 2409a; courts, 605b; crimes and offenses, 280a, 286b, 286c; education, 2240h, 2270f, 2327e, 2328c, 2332g; expositions, 1662c; encouragement of immigration, 1675i, 1675j; insane, 2198c; liquor, 903a, 903b; memorials, 2377d; mob violence, 927b; negroes, education, 2246d; pensions, 2409b; public officers, 38(8g; public order, 874b, 874c; railways, 1267y; roads, 2700f; speculation, 1507g; taxation, 825f; vital statistics, 938b
- South Dakota, agriculture, 1828c, 1840b, 1840c; artesian wells, 1189b; attorney general, 50d; attorneys, 595a; public buildings, 780a; capitol, 781r, 781s; charities, 2140a, 2142d; cigarettes, 925a; coal dealers, 1543a; constitution, 30a; courts, 606a; public debts, 865c; depositories, 868j; divorce, 480i; public documents, 67f; education, 2220h, 2230d, 2230e, 2233a, 2240i, 2240j, 2254d, 2275a, 2332h; elections, 150n, 160(3y, 160(3z; forestry, 1890g; game and fish, 1900e, 1950b; geology, 2384c; governor's contingent fund, 852a; grain warehouses, 1515a; history, 2363a; encouragement of immigration, 1675k; insane, 2198d, 2198e; insurance, 1734a; interest, 461b; irrigation, 1183e; labor, 2097c, 2125h; public lands, 774f, 778(5b, 778(5c; libraries, 2354f; lobbying, 99v; memorials, 2377e; military regulations, 2394a; passes, 1237s, 1237t, 1237u; public officers, 38(1e, 38(4f; railways, 1312a; roads, 2700g; soldiers homes, 2417a; statutes, 11g, 11h, 13d; taxation, 819e, 819f, 842c, 845r
- Sparks, John, *see* Nevada
- Special assessments, 2569
- Special legislation, 88; procedure, 110
- Speculation, 1507
- State accountant, 55, 853, 856a
- State accounts, 853
- State agriculture associations, 1840
- State agriculture, department of, 1675d, 1675g, 1826a
- State aid, to libraries, 2357; for roads, 2702; schools, 2239; schools, higher, 2333; to secondary schools, 2328
- State architect, 790a
- State armories, 2392
- State assessing board, 825a, 825h
- State attorney, *see* Attorney general
- State auditor, 858; attorneys for corporations, recommendations, 525b; commission on state depositories, member of, 868d
powers and duties: 853b, 853c, 856b, 856c, 856d, 861b; bank examiners, 1680s; lands, 777(5a; state treasury, examination of accounts, 856a
- State bank commissioner, 1680d
- State bank examiner, 856g, 1426a, 1680c, 1680s, 1680t, 1680v, 2583b
- State buildings, 779
- State capitol, 781
- State charities, boards of, 2142, 2182a, 2198e
- State chemist, 956q
- State, claims in favor of, 854
- State comptroller, 858, 38(8b, 63a, 103a, 854a
- State control, board of, 38(7a, 63c, 2145a
- State corporation commission, 825h, 1200d
- State dairy and food department, 956g
- State debts, 865

- State departments, 38; reports, 38(7; temporary, 58
 State depositories, 868
 State dispensary, 903a
 State domain, 772
 State education, boards of, 2229, 2220b, 2240d, 2282a
 State educational institutions, higher, 2332
 State election commissioners, board of, 126c
 State employees, 150k
 State engineer, 796
 State equalization, board of, 38(4g, 800g, 845q, 845r, 845t, 845u, 846d, 1267d
 State examiner, 55, 1734a, 2583a
 State excise commissioner, 900a, 900b, 900c
 State fair, 1840
 State finance, 770
 State forestry commission, 1890, 38a
 State geologist, 1079d
 State harbor and land commission, 2633a
 State health boards, 932, 938a, 938c, 938d, 956a, 956c, 956q, 1030a, 1043a, 1051a, 1329a, 2661a
 State highway commissioners, 2723c
 State horse commissioners, board of, 1875a
 State horticulture and agriculture, board of, 1832b
 State hospitals, 2166; for insane, 2198
 State inspector of jails, 350a
 State institutions, 60; accounts, 863, 858b; charitable, 2143; board of control, 38(8c; deaf and dumb, 2186; employees, salaries, 38(8b; epileptics, 2213; feeble-minded, 2218; penal, 341; property and supplies, 790
 State insurance departments, 1733, 868d
 State insurance of buildings, 791
 State labor bureau, 2040, 1110a
 State land board, 774b, 774e, 774f, 778(5a, 778(5b, 778(5c, 861a
 State librarian, 7a, 103b, 1675n; powers and duties, 30a
 State libraries, 2354
 State, medicine, control of, 940
 State militia, 2391
 State mine commissioner, 2020b
 State mine inspector, 2063a
 State officers, 38, 160(3n, 856f, 856g; temporary, 58
 State pardons, board of, 373b
 State police, 874
 State printing, 67
 State prisons, 341
 State property, 772
 State public instruction, superintendent of, salary, 38(8b, 38(8f
 State public works, departments of, 795, 1384c
 State publications, 67
 State railroad commission, 1200a, 1200b, 1200c, 1200e, 1212d, 1212f, 1212h, 1212k, 1212n, 1212q, 1227k, 1249a, 1249b, 1267a, 1267c, 1267d, 1267e, 1267f, 1267g, 1267h, 1267i, 1267j, 1267q, 1267r, 1267s, 1267t, 1267u, 1267v, 1267w, 1267x, 1267y, 1267z, 1267za, 1267zb, 1279b, 1279c, 1315a, 1337b, 1337c, 1378a, 1411a, 1414b, 1800a, 2627a, 2627c, 2627d, 2633a
 State road systems, 2702
 State, secretary of, *see* Secretary of state
 State sewerage commission, 1079c
 State surveyor, 38(8b
 State tax assessors, 819e, 819f, 819k, 825h
 State tax commission, 800a, 800e, 819j, 819k, 819n, 843a, 845s
 State textbook board, 2284c
 State trade, board of, 1506a
 State treasurer, 859; bond, 38(4a, 38(4c, 38(4d; salary, 38(8b; state taxes, recommendations on, 800h powers and duties: 854a, 861b, 868b, 868d; funds of state institutions, 863c; taxation, 845r

- State universities, 2332
 State veterinarian, 1144b, 1144c
 State water supply commission, 1180a, 1180d
 Statistics, 19; agriculture, 1832; vital, 938, 932a
 Statutes, 2; distribution, 7; preparation of, 3; revision and compilation, 11; special, 88; special, procedure, 110
 Steamboat lines, 1200d
 Stenographers, 694
 Stock, *see* Capital stock
 Stokes, Edward C., *see* New Jersey
 Street railways, 1337; condemnation of property, 1361; employees, 2098
 Streets, 2700
 Stuart, Edwin S., *see* Pennsylvania
 Summer schools, 2220f
 Sunday observance, 929, 2092
 Superior courts, 260c; judges, 668d
 Support of family, 496
 Supreme courts, 605, 600a; appeals to, 225a; judges, 126b, 668b, 668c, 668d; reports, 67a, 67g; vagrancy, opinion on, 260a
 Supreme courts (intermediate), powers, contested elections, 194a
 Sureties, public officers, 38(4
 Surveyor, state, 38(8b
 Swamp lands, 778

Tax assessors, 38(8j, 819c, 819f, 819k, 825a, 825d, 825e, 825h, 2593b
 Tax collectors, 827
 Tax commissioners, 800a, 800e, 819j, 819k, 819n, 843a, 843s
 Taxation, 800; assessment, 819; banking institutions, 843; business taxes, 833; business taxes, liquors, 907, 800b; collection, 827; commission on, 800k; corporations, 841, 800b; delinquent taxes, 829, 800g; equalization, 825; exemptions from, 810; income tax, 830; inheritance taxes, 836; mining companies, 846; mortgages, 800a, 809a, 809b, 809c, 809d; motor cars, 2723b; municipal, 2566; of personal property, 808, 823; poll taxes, 132, 831; real estate, assessment of, 820; review, 825; roads, 2702b, 2702e, 2702f; school, 2240; special assessment, 2569; separation of state and local, 807; state board, 845s; transportation and transmission corporations, 845
 Teachers, 2247, 2223a; of the deaf, 38(1a; for negro schools, 2246b; qualifications, 2258, 2223b; salaries, 2254, 2223b
 Technical education, 2342, 2350
 Telegraph companies, 1411, 1200b, 1200c, 1200d, 1200e, 1378a, 2627a; taxation, 845c, 845d
 Telephone companies, 1411, 1200a, 1200b, 1200c, 1200d, 1200e, 2627a; taxation, 845d, 845f
 Temperance, liquor laws, 900
 Tenement houses, 1110, 1099a
 Tennessee, accounts, 853b, 858a, 858b; adulteration of foods, 956q; agriculture, 1826a; banks, 1680s; capitol, 781t; communicable diseases, 1020a; courts, 668c; criminal law, 230b; public debts, 865d; education, 2220i, 2266e, 2332i; elections, 126c; executive mansion, 782b; forestry, 1890h; game and fish, 1900f; insurance, 1764e; public lands, 777(5c; liquors, 912c; local legislation, 110b; military regulations, 2391g; passes, 1237v; pensions, 2409c; reform schools, 343c; roads, 2700h; taxation, 819g, 833c; vital statistics, 938c; pollution of water, 1079e
 Tenure of office, municipalities, 2478; public officers, 38(9
 Terrell, Joseph M., *see* Georgia
 Testimony, *see* Witnesses
 Texas, agriculture, 1826b; civil procedure, 695c, 695d; communicable diseases, 1020b; corporations, 507b, 523a; courts, 603a; criminal law 202c; education, 2240k, 2244a, 2261a, 2284b, 2284c, 2342c; elec-

- tions, 154c, 160(32a; public health, 940a; public lands, 777(5d; liquors, 998a; lobbying, 99w; passes, 1237w, 1237x; public officers, 38(6b; railways, 1227i, 1227j; reformatories, 347b; soldiers homes, 2418a, 2418b; speculation, 1507h; taxation, 800i, 819h, 830c, 833d, 845s; telegraph and telephone companies, 1421a, 1421b
- Textbooks, 2282, 2223a
- Textile schools, 2351
- Theaters, 929c, 1099a
- Tide lands, 778
- Timber, state lands, 778(5. *See also* Forestry
- Titles to property, 381
- Tobacco, 924
- Toll bridges, taxation, 845w
- Toole, Joseph K., *see* Montana
- Topography, 2384
- Torrens system of land registration, 398
- Torts, 468
- Towns (townships) clerks, 659a
- Trade, board of, 1506
- Trade combinations, 589
- Trade schools, 2350
- Trades and occupations, regulation, 1532
- Tramps, 260
- Transportation and communication, 1200
- Transportation and transmission corporations, taxation, 845
- Transportation of convicts, 353
- Traveling libraries, 2357
- Treasurer, *see* Counties, treasurer; State treasurer
- Trees, 1890. *See also* Forestry
- Trials, civil, new, 695c; criminal, 216; new, criminal, 225
- Truancy, 2270
- Trust companies, 1679c, 1680p, 1680q, 1680r; taxation, 843a
- Trustee process, *see* Garnishment
- Trusts (Combinations), *see* Combinations
- Tuberculosis, 1042
- Typhoid, 1043
- Undertaking**, 1051
- Uniform accounts, municipal, 2583
- Uniform legislation, 13
- United States, appeals, civil and criminal cases, 733a; civil procedure, 749a; combinations, 589g; crimes and offenses, 282a, 286d; criminal law, 225b; divorce, 480j; domestic animals, 1876a; education, 2342d; elections, 154d; forestry, 1894e; labor, 2085a, 2117b, 2118n, 2125i, 2136a; public lands, 774g, 777(5e, 777(5f; meats, inspection, 1004a; military regulations, 2391h; naturalization, 118a; negroes, education, 2246e; railways, 1272b; taxation, 830d, 836e; control of waters, 1192d; waterways, 1800b
- United States senators, 84, 32b, 160(3h, 160(3p, 160(3q, 160(3x
- Universities, state, 2332
- Usury, 461
- Utah, accounts, 861c, 861d; adulteration of foods, 956r, 956s; agriculture, 1840e; automobiles, 2723d; banks, 1680t, 1680u; barbers, 1540a; capitol, 781u; communicable diseases, 1042h, 1042i; communicable diseases of animals, 1144c, 1177b; corporations, 500c; courts, 659b; crimes and offenses, 282b; domestic animals, 1875a; education, 2254e, 2332j; expositions, 1662b; family, 477a; feeble-minded, 2218e; local finance, 2593b, 2569a; forestry, 1893c, 1894f, 1894g; gambling, 883d; game and fish, 1906c, 1961b; historical societies, 2366a; insurance, 1732d, 1742a, 1743a; interest, 461a; irrigation, 1183f; juvenile offenders, 371(3b; public lands, 777(5g; libel, 472b; military regulations, 2391i; mines and mining, 2024b, 2064a; notaries public, 669d; optometry,

946a; state prisons, 341e; public officers, 38(4g; railways, 1249j; reform schools and reformatories, 345e; scenic places, 2369b; statutes, 11i, 13e; Sunday observance, 929c; taxation, 819i, 841f, 845t, 845u, 846d; trades and occupations, 1532a

Vaccination, 1027

Vagrancy, 260

Venue, change of, criminal procedure, 217

Verdict, civil procedure, 726

Vermont, accounts, 853c; automobiles, 2723e, 2723f; banks, 1679c; civil procedure, 742a; communicable diseases of animals, 1147a; convict labor, 354r; corporations, 500d; courts, 645b, 659c; criminal law, 229c; education, 2231a; elections, 160j; game, 1919b; special legislation, 88a; legislative procedure, 105c; municipalities, 2432a; public officers, 38(8h; railway crossings, 1319a; railways, 1267z; roads, 2702p; state officers, 58a; taxation, 800j, 800k, 843b, 845v

Veterans, homes, 2416; memorials to, 2370; pensions, 2406; war records, 2379

Veterinarian, state, 1144b, 1144c

Veto power, 45

Villages, 2432a

Vital statistics, 938, 932a

Voters, 179; bribery, 149; qualifications, 131; registration, 187; women, 146. *See also* Elections

Voting, 175

Voting machines, 185

Wages, 2100

War records, 2379

War relics, 2378

Warehouses, 1508

Warner, Fred M., *see* Michigan

Washington, accounts, 853d, 856g, 861e, 863c; agriculture, 1828a, 1832b; archives, 2365b; banks,

1680v; bridges, 1393a; charities, 2166a; communicable diseases, 1042j; convict labor, 354s, 358a, 359c; courts, 668d; crimes and offenses, 260d; criminal law, 230c; public debts, 865e; depositories, 868k; education, 2220j, 2333c; elections, 160(3zb; expositions, 1662c, 1662d; local finance, 2583b; geology, 2384d; public health, 932c; encouragement of immigration, 1675n; insane, 2199a; criminal insane, 361b; insurance, 1733d; legislative procedure, 105d, 108a; legislature, 79c; lobbying, 99x; memorials, 2377f; military regulations, 2392f; public officers, 38(6c; railways, 1249k, 1320(5c; reformatories, 347c; state institutions, 64a; taxation, 807f, 842d; waterways, 1805b

Water, pollution of, 1079; rights, 1183; supply, 2661a

Waters, control of, 1180

Waterways, 1800

Waterworks, 2629c

Weapons, 262

Weather and crop service, 1832

Weights and measures, 1425

West Virginia, accounts, 853e; adulteration of foods, 956t; agriculture, 1828a; banks, 1679d; capitol, 781v; civil procedure, 749b; cocaine, 926a; corporations, 525b; county government, 2492a; courts, 605c, 609a; education, 2229d, 2242a, 2254f, 2254g, 2267a, 2275b, 2335b; elections, 149b, 150p, 160k, 160(3zc, 181f, 187e, 197a; expositions, 1662c; local finance, 2550a, 2599b; fiscal year, 860c; insurance, 1735b, 1762c; insurance of buildings, 791c; justice of the peace, 653a, 653b; labor, 2040h; legislative employees, 100b; legislative procedure, 105e; legislature, 79d, 90a; lieutenant governor, 48a; lobbying, 99y; memorials, 2376c;

- municipalities, 2442a; negotiable instruments, 464a; notaries public, 669e; passes, 1237y; poor, 2157a; prosecuting attorneys, 675e; public documents, 67g; public officers, 38(4h, 38(8i, 38(8j, 38(8k; public utilities, 2628a; railways, 1212p, 1227k, 1249n, 1267za, 1267zb, 1289a, 1299a, 1315d; roads, 2702q; state institutions, 63c; statutes, 3c; stenographers, 694a; taxation, 800n, 807g, 819j, 819k, 819n, 820a, 825g, 825h, 827b, 830e, 831a, 843c, 845w; board of trade, 1506a; transportation and communication, 1200e; pollution of water, 1079f; weights and measures, 1426a
- Wharves, 1804
- Widows of soldiers, homes, 2418
- Wild animals, noxious, 1856
- Wisconsin, accounts, 856h; adulteration of foods, 956u; banks, 1680w, 1683a, 1708a; education, 2266f, 2267b, 2350b; elections, 160(3zd; insurance, 1754j; property, 398a; public officers, 38d; public utilities, 2627e, 2627f, 2628b, 2629c, 2630c; railway employees, 2126b; railways, 1212q, 1267zc, 1279c; street railways, 1337c; taxation, 809d, 830f, 836f; tenement houses, 1110a; control of waters, 1180g
- Witnesses, criminal procedure, 219
- Woman suffrage, 146
- Women, employment, 2117; employment in saloons, 910a; institutions for, 345; notaries public, 38(6c; reformatory for, 335a
- Woodruff, Rollin S., *see* Connecticut
- Writs, 749
- Wyoming, attorney general, 50e; bounties on animals, 1856b; courts, 609b; depositories, 868n; education, 2270g; feeble-minded, 2215a; fish, 1961c; encouragement of immigration, 1675p; Indians, 123a; juvenile offenders, 371(3c; legislature, 80f; memorials, 2377g; mines and mining, 2027b; parole, 372f; public documents, 67h; public officers, 38(8n; statutes, 7a, 11j; vital statistics, 938d
- Yukon-Pacific Exposition, 1662

NEW YORK STATE EDUCATION DEPARTMENT

New York State Library

Bulletin 118
LIBRARY SCHOOL 25

21st ANNUAL REPORT

OF

NEW YORK STATE LIBRARY SCHOOL

1907

	PAGE		PAGE
Calendar, 1906-7	200	Work of the year (continued)	
Work of the year	201	Lecturers, 1907	210
Attendance	201	Students	211
List of students, 1906-7	201	New York State Library	
Staff instruction	203	School Association	211
Changes in courses of study	203	Vocational training	212
Annual visit to other libraries	202	Publications filed, 1906-7	212
Bibliographies	203	Notes and comments	215
Compendium	202	A. L. A. committee on library training	213
Circulars	200	Men in library work	211
Dealers	200	New quarters	217
Summer session	217	Publications	212
List of summer session students, 1907	205	Correspondence	218
Faculty	201	Index	201

ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1908

STATE OF NEW YORK
EDUCATION DEPARTMENT

Regents of the University

Who retire when terms expire

1913	WHELEW REID M. A. LL.D. D.C.L. <i>Chancellor</i>	New York
1917	ST. CLAIR MCKELWAY M.A. LL.D. <i>Vice Chancellor</i>	Brooklyn
1906	DANIEL BOOTH PH.D. LL.D.	Watson
1914	PLINY T. SEXTON LL.B. LL.D.	Palmyra
1912	T. GUILFORD SMITH M.A. C.E. LL.D.	Buffalo
1918	WILLIAM NORTHGAM M.A. Ph.D. LL.D.	Syracuse
1903	CHARLES A. GOODINEE Ph.D. LL.D. LL.D. D.C.L.	New York
1915	ALBERT VANDER VEER M.D. M.A. Ph.D. LL.D.	Albany
1911	EDWARD LAUTERBACH M.A. LL.D.	New York
1909	EUGENE A. PHILBIN LL.B. LL.D.	New York
1916	LUCIAN L. SHEDDEN LL.B.	Plattsburg

Commissioner of Education

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Assistant Commissioners

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ALFRED S. DOWNING M.A. Ph.D. LL.D. *Third Assistant*

Director of State Library

EDWIN H. ANDERSON M.A.

Director of Science and State Museum

JOHN M. CLARK Ph.D. LL.D.

Chief of Divisions

Administration, HARLAN H. HORNED B.A.
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Statistics, HIRSH C. CASE
Visual Instruction, DELANEY M. ELLIS

N. Y. State Library School.

State Library, Albany, N. Y., December 18, 1907

Hon. Andrew S. Draper
Commissioner of Education

DEAR SIR: I have the honor to transmit herewith and recommend for publication the 21st annual report of the New York State Library School for the year ending September 30, 1907. This report was prepared by the Vice Director of the School, to whom much credit is due for the successful administration of the School during the period covered.

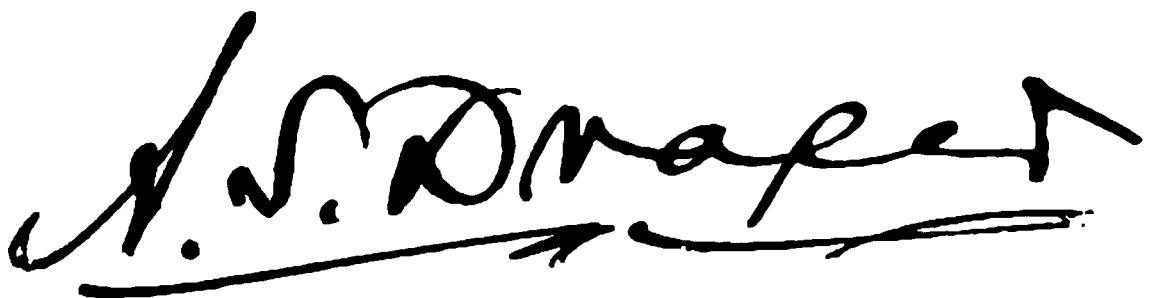
Very respectfully

EDWIN H. ANDERSON

Director

State of New York
Education Department
COMMISSIONER'S ROOM

Approved for publication this 24th day of December 1907

A large, stylized handwritten signature in dark ink, reading "A. S. Draper". The signature is written over a horizontal line.

Commissioner of Education

nm

Calendar 1906-7

General

1906			
May	28-29	Entrance examinations	
October	3	School opened Wednesday a.m.	
November	6	Election day, holiday	
" 28-Dec.	3	Thanksgiving recess, Wednesday noon to Monday p.m.	
December	4	Lectures began Tuesday a.m.	
"	21	Christmas recess began Friday p.m.	
1907			
January	3	Lectures began Thursday a.m.	
February	12	Lincoln's birthday, holiday, Tuesday	
"	22	Washington's birthday, holiday, Friday	
April	9-22	Visit to New York, Philadelphia and Washington libraries	
"	23	Lectures began Tuesday a.m.	
May	30	Decoration day, holiday, Thursday	
June 5-July	17	Summer session, Wednesday a.m. to Wednesday p.m.	
June	28	Commencement, Friday a.m.	

Examinations

1906			
November	28	Elementary classification, Wednesday a.m.	
December	17	Elementary bibliography, Monday a.m.	
1907			
March	30	Advanced cataloguing, Saturday a.m.	
April	2	Indexing, Tuesday a.m.	
"	3	Loan work and library buildings, Wednesday a.m.	
"	4	Advanced bibliography, Thursday a.m.	
"	5	Accession work, Friday a.m.	
"	6	Shelf work, Saturday a.m.	
June	20	Book selection, Thursday a.m.	
"	22	Elementary cataloguing, Saturday a.m.	
"	24	History of libraries, advanced reference and government documents, Monday a.m.	
"	25	Advanced classification, Tuesday a.m.	
"	25	Bookbinding and printing, Tuesday p.m.	
"	26	Elementary reference, Wednesday a.m.	
"	27	Elementary administration, Thursday a.m.	

New York State Library

Bulletin 118

LIBRARY SCHOOL 25

21st ANNUAL REPORT OF LIBRARY SCHOOL 1907

The report on the New York State Library School for the year ending September 30, 1907, is as follows:

Work of the year

Attendance. The 21st school year opened Wednesday, October 3, 1906. Forty-four regularly matriculated students were registered for work during the year, 15 seniors and 29 juniors. Of this number New York State furnished 21 while 23 came from 12 other states, the District of Columbia and Norway.

Among the 44 students 29 colleges were represented, Vassar sending 6. Cornell 5, Smith 3, Elmira, Pomona, Denison and Woman's College of Baltimore 2 each. 3 students held 2 degrees each.

While the school is maintained primarily for New York State and extra tuition is charged to outside students, since its foundation 334 students have come from 31 other states and from Canada, England, Australia, Germany, Holland, Norway and Sweden.

List of students 1906-7

Seniors, class of 1907

- Bailey, Louis Jonathan, Ontario, N.Y. B.S. (Rochester) 1905
Brown, Mary Gilbert, Elmira, N.Y. B.A. (Elmira) 1895
Coulter, Edith Margaret, Salinas, Cal. B.A. (Stanford) 1905
Dinsmoor, Kate Elizabeth, Lawrence, Kan. B.A. (University of Kansas) 1903
Eastwood, Mary Edna, Albany, N.Y. B.A. (Vassar) 1899
Hillis, Julia Eunice, Albany, N.Y. B.L. (Syracuse) 1905
Holding, Anna Lucille, Albany, N.Y. B.A. (Oberlin) 1901; West Virginia University Summer School 1902, 1903
Kildal, Arne, Kristiana, Norway. Ph.B. (Det kongelige norske Frederiks universitet, Kristiana) 1904
Lewis, George Lothrop, Gorham, Me. B.A. (Bowdoin) 1901; M.A. 1903
Merritt, Louisa Flanders, Malone, N.Y. B.A. (Cornell) 1904
Metz, Corinne Ann, Newark, O. Western College for Women 1899-1900; B.L. (Denison) 1903

Nelson, Peter, Albany, N.Y. B.A. (Union) 1898
 Nerney, May Childs, Albany, N.Y. B.A. (Cornell) 1902
 Steffa, Julia, Pomona, Cal. B.S. (Pomona) 1900
 Vitz, Carl Peter Paul, Cleveland, O. B.A. (Adelbert) 1904; Western Reserve University Library School 1904-5

Juniors, class of 1908

Adsit, Rachel Lionne, Voorheesville, N.Y. B.A. (Vassar) 1906
 Coffin, Helen, Albany, N.Y. B.A. (Cornell) 1906
 Fay, Lucy Ella, Knoxville, Tenn. B.A. (Newcomb Memorial College) 1895; M.A. (University of Texas) 1901
 Fifield, Winnifred Faye, Los Angeles, Cal. B.L. (Pomona) 1906
 Hart, Fanny, New York City. B.A. (Vassar) 1898; Teachers College, Columbia University, 1898-99
 Hektoen, Dr Martin, Westby, Wis. B.A. (Luther) 1895; M.D. (Rush Medical College) 1899
 Hooker, David Ashley, Fort Edward, N. Y. Rollins College, 1896-98; B.A. (Middlebury) 1906
 Hulburd, Annabel Amanda, Brasher Falls, N.Y. Oberlin College, 1895-97; B.A. (Cornell) 1901
 Joslyn, Rosamond, Buffalo, N.Y. B.S. (Elmira) 1902
 Kimball, Florence Belle, Hudson, Mass. B.A. (Boston University) 1903; Amherst College Summer School of Library Economy, 1902
 Lathrop, John Ely, Westfield, N.J. B.A. (Yale) 1906
 McGirr, Alice Thurston, Pittsburg, Pa. B.A. (Vassar) 1906
 Marquand, Fannie Elsie, Mt Vernon, N.Y. B.A. (Wellésley) 1906
 Moore, Dora, Parkersburg, W.Va. Ph.B. (Denison) 1903; West Virginia University Summer School of Library Science, 1905
 Paddock, Alice Moseley, Moline, Ill. B.A. (Michigan) 1901
 Porter, Charles F., Albany, N.Y. B.A. (Hamilton) 1884; Auburn Theological Seminary, 1884-87
 Ray, Frances Katharine, Albany, N.Y. Ph.B. (Cornell) 1898
 Reeves, Bertha Butler, Bridgeton, N.J. B.A. (Smith) 1899
 Roberts, Ethel Dane, Wausau, Wis. B.A. (Wooster) 1891
 Ross, Georgette, Washington, D.C. B.A. (Woman's College of Baltimore) 1899
 Rush, Charles Everett, Fairmount, Ind. B.A. (Earlham) 1905; Wisconsin Free Library Commission Summer School of Library Science, 1904
 Shaver, Mary Mumper, Hazleton, Pa. B.A. (Woman's College of Baltimore) 1906
 Smith, Elizabeth Manley, Portland, Me. B.A. (Vassar) 1902
 Smith, Fannie May, Warsaw, N.Y. B.A. (Smith) 1905
 Stebbins, Howard Leslie, Springfield, Mass. B.A. (Amherst) 1906
 Sweet, Martha Louise, Maynard, N.Y. B.A. (Smith) 1906
 Tunbridge, Helen Elizabeth, Whitesboro, N.Y. B.A. (Bryn Mawr) 1897; Radcliffe College, 1897-98
 White, Mabel Gordon, New York City. B.A. (Vassar) 1906
 Whittemore, Ruby Gertrude, Hudson, Mass. Ph.B. (University of Vermont) 1906

Staff instruction. Eight members of the staff of the New York State Library, not eligible to regular matriculation, increased their efficiency by taking 23 courses in the School, on their own time. No charge is made for such tuition since the library benefits directly by the increased usefulness of such assistants.

Changes in courses of study. The changes in the curriculum planned for the school year 1906-7 and outlined on pages 148-86 of the Report of the School for 1906, were all carried out.

Elective work

The opportunity to elect 100 hours of senior work from a total of 350 hours offered in 5 different subjects was appreciated. Every elective offered was chosen by from 2 to 10 students, the total number of courses chosen being 30.

Administration

The new course on administration of large libraries comprised the following lectures:

Mr Anderson (The administration of a large public library), 6; Mr Eastman (Founding and government), 6; Dr Putnam (The library of Congress), 2; Mr Dana (The administration of a large public library), 4; Mr Lane (The administration of a college library), 2; Miss Welles (The loan department of a large public library), 4.

In planning a course on administration of small libraries it was found difficult to secure unity and proportion without duplicating much of the work offered in other courses. The small or moderate sized public library is kept in mind constantly in all the work of the first year and the administrative aspects of loan work, cataloguing, reference etc. are covered (so far as they can be formulated) in the regular courses on these subjects. It was, during the present year, found immensely profitable to have wide-awake and competent librarians bring before the School carefully collected and presented pages from their daily experiences.

Varying points of view are always stimulating and broadening, and it will be the policy of the School to have administrative subjects presented by working librarians. The formal course will probably be confined to a general consideration of the administration of a library as a whole, while the administrative aspects of the various departments will be covered in the proper specific courses.

Government documents

A regular senior course in government documents, in charge of the Vice Director, was offered this year for the first time. It comprised 12 lectures outlined as follows:

- 1 Scope and plan of course: local, state and national documents; their varying nature, manner of issue and importance to libraries.
- 2 Study of the documents of a representative city
- 3 " " New York State
- 4 " " Massachusetts
- 5 United States documents: Nature and production
- 6 " Acquisition
- 7 " Arrangement and classification
- 8 " Cataloguing
- 9 " Use, indexes and catalogues
- 10-11 " Study of 18 selected sets
- 12 British parliamentary papers

Each lecture was accompanied by problems, written reports and examination of books.

Bookbinding

The Library School course in bookbinding is not meant to make bookbinders, but to teach librarians the chief points of good and bad bindings for libraries and to enable them to know a well or ill bound book at sight.

Believing that the actual binding of books will do much to secure the desired familiarity with binding processes and materials, the School has installed and equipped a miniature bindery where each student will bind one or two books, in different styles and materials, in connection with the lectures in this subject. The binding, which will be in charge of the foreman in the New York State Library bindery, who will personally superintend the student's work during laboratory periods, will be carried through the forwarding processes.

Practice work

Provision has been made for additional practice work during the senior year by offering as an elective, bibliographic work to the amount of 100 hours for each student. An abundance of such work is available through the many requests made to different departments of the library for reading lists and references.

It has been decided that hereafter at least two weeks of practical staff service in an approved library shall be expected from

every member of the senior class. It shall be rendered between the junior and senior years, unless previous library experience be accepted as an equivalent. This service need not be confined to libraries in New York State.

Annual visit to other libraries. The 16th annual visit to the libraries in and near New York, Philadelphia and Washington was made April 9-22, 1907.

Thirty-six students, accompanied by Mr Wyer and Miss Sander-son of the faculty, formed the party.

Many courtesies were extended by the different libraries visited and the profit from the trip was much increased by the admirable advance arrangements made by some of the libraries in organizing the members of their staffs as guides. Not quite so many different libraries were visited as in former years but longer time was spent in the more important ones.

Bibliographies. A complete list of graduation bibliographies through April 1902 was printed in the last Register (Library School bulletin 11) pages 53-58.

A list of manuscript bibliographies and indexes in the State Library, September 30, 1905, including Library School graduation bibliographies not at that time in print, may be found in table P2 of the State Library Report for 1905. The 20th Annual Report of the Library school for 1906 gives a supplementary list of 23 student bibliographies completed during that year.

The following original bibliographies were submitted and approved during 1907:

Bailey, Louis J. Bibliography of English biographies of printers.
Beal, Minnie M. Bibliography of New York canals and navigable waterways.

Published as part 3 in volume 2 of N. E. Whitford's *History of the Canal System of the State of New York*, a supplement to the Annual Report of the State Engineer and Surveyor of the State of New York for 1905.

Brown, Mary G. Bibliography of education for 1906.

Prepared in collaboration with J. I. Wyer, Jr. Printed in the *Educational Review*, June 1907. 34:47-93.

Coulter, Edith M. Holidays.

A revised and enlarged edition of the bibliography prepared by R. M. McCurdy, 1903. Printed in the *Bulletin of Bibliography*, Apr. 1907-Apr. 1908 . . . and separately as *Bulletin of Bibliography*, pamphlet 17. 55p.

Dinsmoor, Kate E. Bibliography of theses submitted for the master's or doctor's degree in 32 American universities in 1906.

While all the leading European countries have well established bibliographic records of this kind, there is none in America. It is planned to

continue this work each year and it is hoped that it may be printed and made available to graduate students.

Donnelly, June R. List of references on the question of federation of and within the British Empire.

Harron, Mrs. Julia S. A complete list of translations in print (1906) of foreign literature, (belles lettres).

Kildal, Arne. Annotated bibliography of modern Norwegian literature, 1850-1906, as represented in English translations and works of 20 authors.

Lewis, George L. Reference list on Vermont local history.

A companion work to Flagg, *Connecticut local history*. 1900. (Bibliography bul. 23), and Hall, *Maine local history*. 1901 (Bibliography bul. 28.)

Merritt, Louisa F. Detective stories.

Nerney, May C. Handlist of genealogies in the New York State Library

Steffa, Julia. Henry Irving.

Wright, Rebecca W. Biography of eminent English men and women from 1689 to 1760, as given in the catalogues of the New York State, Boston Public, Boston Athenaeum (printed), Peabody Institute and California University libraries.

Commencement. Simple informal graduating exercises were held in the Library School lecture room on Friday morning, June 28, 1907 at 11 o'clock. The Director and Vice Director spoke briefly to the School and its assembled friends, and the degree of B.L.S. was conferred upon 13 graduates.

Credentials. There were issued during the year 402 examination pass cards, each card representing a different student or subject, 411 instructor's pass cards, 6 certificates of completion of one year of work, 33 certificates of completion of work of the summer session and the following degrees:

Degree of B.L.S. The degree of bachelor of library science was conferred during the year upon the following persons: Walter Greenwood Forsyth 1893, Helen Griswold Sheldon 1893, Edna Dean Bullock 1894, Herbert Williams Denio 1894, Alice Newman Nachtmann 1895, Louise Langworthy Gage 1897, Anna Louise Morse 1897, Bessie Sargeant Smith 1897, Elisabeth Gertrude Thorne 1897, Ella Emilie Miersch 1899, Sabra Wilbur Vought 1901, June Richardson Donnelly 1903, John Edward Goodwin 1905, Julia Scofield Harron 1905, Herbert Simon Hirshberg 1905, May Childs Nerney 1905, Kate Elizabeth Dinsmoor 1906, Clara A. Mulliken 1906, and upon the following members of the class of 1907: Louis Jonathan

Bailey, Mary Gilbert Brown, Edith Margaret Coulter, Arne Kildal, George Lothrop Lewis, Louisa Flanders Merritt, Julia Steffa.

Degree of M.L.S. The degree of master of library science was conferred during the year upon William Reed Eastman, 1892, Katharine Lucinda Sharp, 1892.

Summer session. The 10th summer session, June 5–July 17, opened with an attendance of 39 students, 37 of whom entered for the whole course and 2 (from Albany libraries) for a partial course. This is the largest summer session ever held and seems to justify the return, this year, to the general course, in lieu of the special courses given in 1903–5. The general course will therefore be repeated next year, but if the demand warrants it, an attempt will be made to arrange short, highly specialized courses for more advanced students.

The attendance by states was as follows: New York 33, Massachusetts 2, New Jersey 1, Pennsylvania 1, Tennessee 1, and Texas 1.

Miss Corinne Bacon, instructor in classification, cataloguing, accession, shelf and loan work in the winter school was in charge.

78 lectures were given and 2 seminars held, 46 of which required from 2 to 4 hours technical work in connection with each lecture.

The subjects were as follows:

Cataloguing 19, Miss Bacon

Classification and book numbers 13, Miss Hawkins

Organization and administration 8, Miss Freeman

Reference 7, Mr Wyer

Binding 1, Mr Wyer

Order, accession and shelf work 3, Miss Bacon

Loan systems 2, Miss Bacon

Trade bibliography 3, Mr Biscoe

Rooms and fittings 3, Mr Eastman

Book selection:

Principles of book selection 1, Miss Bacon

Aids in book selection 1, Miss Bacon

Publishers 2, Miss Wheeler

New York best book list 1, Miss Wheeler

Selection of children's books 3, Miss Hunt

Book buying 1, Mr Peck

Book mending 1, Miss Murray

Essentials in work with children 1, Miss Hunt

Story telling 1, Miss Eaton

Facts not mentioned in annual reports 1, Mr Peck

New York State Education Department and State Library 1, Mr Anderson

Work of the Division of Educational Extension 1, Mr Eastman

Work of the Division of Visual Instruction 1, Mr Ellis

In reviewing the work of the summer session it seems likely that an attendance of 39 is rather too large to give the most profit and the best results to each individual student. The summer school students differ so widely in age, education, ability and even in library experience, that any collective handling of the students will fail of the utmost profit unless supplemented by much personal work with individuals or groups of two or three with similar interests. This sort of work takes a great deal of time, but it is probably time better spent than in the routine of revising or even some of the formal lecturing. It will perhaps seem wise hereafter to limit the number of students in the summer session to 25 or 30.

Summer session students

Class of 1907

Barrows, Grace A., general assistant High School Library, Jamestown, N.Y.

Bishop, Marion, librarian Schuylerville (N.Y.) Free Library

Boothe, Carrie St John, assistant Bond St. branch, New York Public Library

Buttler, Robert Van Arsdale, assistant librarian Rutgers College Library, New Brunswick, N.J.

Caird, Ada Elizabeth, general assistant New York Public Library

Charles, Adrienne Bruton, assistant circulating dep't New York Public Library

Cook, William T., under appointment to Y.M.C.A. Library, Albany, N.Y.

Denton, Louise, librarian Oyster Bay (N.Y.) Free Library

Dixon, Edna Adelia, assistant New York Public Library

Estwick, Lillian May, general assistant Webster branch, New York Public Library

Evans, Sarah Maud, assistant Muhlenberg branch, New York Public Library

Foshay, Florence Elizabeth, assistant New York Public Library

Fouts, Elwood Leigh, first assistant Baylor University Library, Waco, Texas

Hagerty, Nan, assistant New York Public Library

Haines, Jessie Mary, librarian Polytechnic Preparatory School Library Brooklyn, N.Y.

Haugh, Irene Elizabeth, assistant St George branch, New York Public Library

Ivimey, Faith E., assistant circulating dep't New York Public Library

Jamison, Julia, assistant Carnegie Library, Nashville, Tenn.

Knight, Jennie L., librarian in charge Clark College Library, Worcester, Mass.

McCann, Mary, assistant Pruyn Library, Albany, N.Y.

McDowell, Ruth M., assistant Olean (N.Y.) Public Library

McGann, Margaret Agnes, assistant Richards Library, Warrensburg, N.Y.

Martin, Mabelle Alice, assistant High School Library, Jamestown, N.Y.

Meulendyke, Marie J., librarian King's Daughters' Free Library, Palmyra, N.Y.

Miller, Mary C., assistant New York Public Library

Mudge, Helen Louise, assistant Olean (N.Y.) Public Library

Niles, Mary West, librarian Hay Memorial Library, Sacket Harbor, N.Y.

Power, Leonore G., assistant Harlem Library branch, New York Public Library

Robinson, Elizabeth P., assistant Schenectady (N.Y.) Public Library

Rockwood, Eunice Louise, first assistant Olean (N.Y.) Public Library

Scharfenberg, Mary Margaret, librarian Brewster (N.Y.) Library

Stevenson, Luella M., assistant reference librarian Carnegie Free Library, Braddock, Pa.

Thorne, Katharene Rogers, general assistant New York Public Library

Twitchell, Julia E., assistant Memorial Hall Library, Andover, Mass.

Ulrich, Carolyn Farquhar, junior assistant Brooklyn (N.Y.) Public Library

Van Benschoten, Margaret Morgan, junior assistant Williamsburgh branch, Brooklyn Public Library

Wiernik, Bertha, assistant Brownsville branch, Brooklyn Public Library

Yetman, Grace H., assistant Tottenville branch, New York Public Library

The faculty. During the year there has been no change in the faculty, which is as follows:

Edwin Hatfield Anderson M.A. (Wabash) *Director*. Lecturer on library administration, 1906—

James Ingersoll Wyer, Jr, M.L.S. (N.Y.) *Vice Director*. Instructor in bookbinding, public documents, reference work, 1906—

Florence Woodworth B.L.S. (N.Y.) *Director's assistant*. In charge of Library School collections and practice work, 1889—

Walter Stanley Biscoe M.A. (Amherst) Instructor in bibliography, advanced classification, history of libraries and printing, 1887—

Ada Alice Jones, *Secretary of faculty*. Instructor in advanced cataloguing, 1888—

William Reed Eastman M.A. (Yale) M.L.S. (N.Y.) Instructor in library administration, library buildings, 1895—

Martha Thorne Wheeler. Instructor in selection of books, indexing, 1895—

Corinne Bacon (Packer Collegiate Institute) B.L.S. (N.Y.) Instructor in elementary cataloguing, elementary classification, library seminar, order and accession, shelf and loan department work, in charge of summer course, 1903—

Edna M. Sanderson B.A. (Wellesley) *Registrar*. 1905—

Lecturers 1907

Aside from the faculty, 32 persons gave 109 lectures before the school as follows:

LECTURER	POSITION	NO LEC.	SUBJECT
Askew, Sarah B	Organizer N. J. Public Libraries Commission	3	Work of a library commission
Avery, Myrtilla	Assistant Division of Educational Extension, N. Y. State Education Dept.	1	New York State traveling libraries and study clubs
Bascom, Elva L.	Assistant in reference section N. Y. State Library	7	Printing
Beal, Minnie M	Assistant in charge of Library for the Blind, N. Y. State Library	1	Work for the blind
Bunnell, Ada	Sublibrarian (medicine) N. Y. State Library	1	Books for a medical library
Champlin, G. G.	Sublibrarian (reference) N. Y. State Library	1	Patents
Dana, J. C. . . .	Librarian Newark (N. J.) Free Public Library	4	Administration of a large public library
aEaton, Annie T	Children's librarian Pruyn Library, Albany, N. Y.	1	Story-telling
bEllis, DeLancey M	Chief, Division of Visual Instruction, N. Y. State Education Dep't	1	Work of the Division of Visual Instruction
Fairchild, Mrs S. C	.....	1	Presidents of the A. L. A.
bFreeman, Marilla W.	Reference librarian Louisville (Ky.) Free Public Library	5	Books on religion Essentials of organization and reorganization
		3	Administration of the small library
Gilbert, Frank H.	Law Librarian N. Y. State Library	1	Arrangement and use of law libraries
Hawkins, Jean	Sublibrarian (classification) N. Y. State Library	1	Law books for a popular library
aHawkins, Jean	Sublibrarian (classification) N. Y. State Library	14	Classification for small public libraries
aHunt, Clara W	Sup't children's dept., Brooklyn Public Library	1	Classification and book numbers
		1	Essentials in library work with children
Johnston, W. Dawson	Division of Bibliography, Library of Congress	3	Selection of books for the children's library
		1	Evolution of library architecture
		1	Some characteristic features of European library collections
		1	State aid to libraries
		1	Union catalogues
		1	Famous librarians
Lane, William C	Librarian, Harvard University Library	2	Administration of a college library
Leipziger, Henry M	Supervisor of free lectures, New York City Board of Education	1	School extension in New York City
Lord, Isabel Ely	Librarian Pratt Institute Library	4	Book buying
bMurray, Rose	Assistant City Library Springfield, Mass.	4	Book mending
Nerney, May C	Assistant N. Y. State Library	2	Local history and genealogy
Olcott, Frances J	Ch of children's dept., Carnegie Library, Pittsburgh	6	The children's department in a public library
Orcutt, William D	Vice president and general manager, University Press, Cambridge, Mass.	2	Printing as an art, its evolution and its accomplishments
aPeck, A. I	Librarian, Gloversville (N. Y.) Free Library	1	Book buying and importing
		1	Facts not mentioned in annual reports
Putnam, Herbert	Librarian of Congress	2	The Library of Congress
Rathbone, Frances L.	Librarian East Orange (N. J.) Free Public Library	14	Administration of small public libraries

aTo summer school only. bTo both summer and winter schools.

LECTURER	POSITION	NO. LEC.	SUBJECT
Shedlock, Marie L. . . .	English lecturer	1	Stories for children
Stearns, Lutie E. . . .	Library visitor, Wisconsin Free Library Commission	1	Some western phases of library work
van Laer, A. J. F. . . .	Archivist N.Y. State Li- brary	4	"Regulate your hurry" Manuscripts
Weitenkampf, Frank	Chief shelf dep't and cura- tor print dep't, New York Public Library	1	Care of prints
Welles, Jessie.	Sup't of circulation, Car- negie Library, Pittsburg	4	The loan department of a public library
Wellman, H. C.	Librarian Springfield (Mass.) City Library	2	Book illustration
Whitten, R. H.	Sociology librarian, N. Y. State Library	1	Work of a legislative librarian

The alumni

New York State Library School Association. 56 former students of the School were present at Asheville, N.C. at the meeting of the American Library Association and over 40 attended the regular annual meeting of the Alumni Association held in the Battery Park Hotel at 8.30 p. m., May 27, 1907.

The following officers were elected for the ensuing year:

President, Charles Harvey Brown, '01, M.A. reference librarian,
The John Crerar Library, Chicago

First vice president, Mary Esther Robbins, '92, director Library
School and librarian Simmons College, Boston

Second vice president, Rosalie Mumford, '04, assistant classifier
University of Michigan Library, Ann Arbor

Secretary-treasurer, Bessie Sargeant Smith, '97, B.A., B.L.S. assist-
ant librarian Public Library, Utica, N.Y.

Executive board

The officers and Faith E. Smith, '00, Ph.B. director's assistant,
Training School for Children's Librarians, Pittsburg, Pa.; Harold
L. Leupp, '04, B.A. University of Chicago Press; Mary B. Lindsay,
'93, librarian Public Library, Evanston, Ill.

Advisory board

1905-8 Isabel Ely Lord, '97, B.L.S. librarian Pratt Institute Free
Library, Brooklyn, *chairman*

1907-10 Arthur Low Bailey, '98, B.L.S. librarian Wilmington In-
stitute Free Library, Wilmington, Del.

1906-9 Judson Toll Jennings, '97, librarian Public Library,
Seattle, Wash.

Alumni lectureship. The 11th alumni lectureship was filled by Mr William Dana Orcutt of the University Press, Cambridge, Mass. and consisted of two lectures on the art of printing. The first lecture sketched the evolution of the art of printing from the written book down through the centuries as far as what may properly be called modern times. In the second lecture Mr Orcutt described the actual accomplishments of the great printers and explained their nature, importance and influence upon their own and later times. The lectures were accompanied by representation through lantern slides of many of the famous early and modern type faces and by facsimile reproductions of the title-pages and other parts of many of the masterpieces of medieval and modern typography. Among the individual printers whose work was considered were: Estienne and his *Ecclesiasticae historiae* of Eusebius, Plantin and the polyglot Bible, Elzevir and his Homer. The work of Baskerville was illustrated by his famous Virgil, of Didot by his great edition of Racine and the work of William Morris at its best by the Kelmscott Chaucer.

Positions filled October 1, 1906-September 30, 1907

CLASS AND NAME	POSITION	INSTITUTION AND PLACE (unless implied)
1889 Richardson, Mary A.	Assistant	Wesleyan University Library
1890 Clark, Josephine A.	Librarian	Smith College
1891 Crawford, Esther	Editor A. L. A. subject headings	A. L. A. Publishing Board, Boston
1892 Bullock, Waller I.	Chief loan librarian Central library loan dep't	Carnegie Library, Pittsburg, Pa.
Jones, Mary L.	Substitute librarian	Bryn Mawr College
1893 Sheldon, Helen G.		Experiment Station, Univer- sity of California
Van Hoevenberg, Alma R.	Acting librarian	Ferguson Library, Stamford, Ct.
1894 McCreary, Nellie (Mrs J.W. De Laugh- ter)	Assistant cataloguer	St Louis Public Library
1895 Barnett, Claribel R.	Librarian	Department of Agriculture Washington
Hawks, Emma B.	Assistant librarian	Department of Agriculture Washington
1896 Biscoe, Ellen D.	Librarian	State Normal School, Cedar Falls, Ia.
Curtis, Florence R.	Librarian	Saratoga (N.Y.) Athenaeum
Edwards, Ella M. (Mrs Dancy Led- better)	Librarian	Newark (N.Y.) Free Public Li- brary
1897 Jennings, Judson T.	Director's assistant	New York State Library
Smith, Bessie S.	Assistant librarian	Utica (N.Y.) Public Library

CLASS AND NAME	POSITION	INSTITUTION AND PLACE (unless implied)
1900		
Earl, May.....	Assistant in charge of children's room, Bruce branch	New York Public Library
1901		
Davis, Esther M.....	In charge of library.....	Training School for Teachers, Brooklyn, N.Y.
Keller, H. Rex.....	Assistant librarian and instructor in Library School	Drexel Institute
Mathews, Mary E....	Supervisor of branches and in charge of apprentice class	Brooklyn Public Library
1902		
Hawkins, Jean.....	Sublibrarian (classification).....	New York State Library
Lamb, Eliza.....	Assistant, catalogue division.....	Library of Congress
1903		
Chapman, Grace D....	Librarian.....	Lima (O.) Public Library
Groves, Charlotte E....	Assistant, catalogue division.....	Library of Congress
Jenks, Edwin M.....	Librarian.....	Institute of Musical Art, New York
McCurdy, Robert M....	Head of order department.....	University of Illinois Library
Seligberg, Ella R....	Assistant, classification and cataloguing departments	Columbia University Library
Tweedell, Edward D..	Assistant reference librarian.....	John Crerar Library, Chicago
Waters, Caroline E....	Assistant.....	Bureau of Chemistry Library, Department of Agriculture, Washington
"	Librarian.....	College for Women, Western Reserve University
Whittlesey, Julia M...	Acting director.....	Western Reserve University Library School
	Director.....	Western Reserve University Library School
1904		
Dickinson, A. Don....	Librarian.....	Union University
	Librarian.....	Leavenworth (Kan.) Public Library
Goodrich, Nathaniel L.	Librarian.....	University of West Virginia
Ketcham, Ethel B....	Cataloguer.....	Smith College Library
Pearson, Edmund L..	Librarian.....	Military Information Division Library, Washington
Reed, Lois A.....	Cataloguer.....	University of Illinois Library
Spafford, Martha E...	Cataloguer.....	Milton (Mass.) Public Library
	Substitute librarian.....	Southbridge (Mass.) Public Library
1905		
Eaton, Annie T.....	First assistant, Pruyn branch.....	Young Men's Association Library, Albany, N.Y.
	Children's librarian.....	Albany public library system
McKee, Alice D.....	Assistant.....	Ohio State Library
Mitchell, S. Louise....	First assistant, Broadway branch..	Cleveland (O.) Public Library
Solis-Cohen, Leon M..	Librarian, Brownsville branch.....	Brooklyn Public Library
Wright, Rebecca W...	Assistant, catalogue department...	Seattle (Wash.) Public Library
1906		
Alexander, William H..	Assistant in library.....	Association of the Bar, New York
Boswell, Jessie P.....	Cataloguer.....	Young Men's Mercantile Library, Cincinnati, O.
Caswell, Mary H.....	Librarian.....	Waterville (Me.) Public Library
Dinsmoor, Kate E....	Cataloguer.....	Purdue University Library
Dresser, Annie S.....	Assistant.....	Cincinnati Public Library
	Librarian, East End branch.....	Cincinnati Public Library
Goodrich, Francis L.D.	Assistant in charge of accessions...	University of Michigan Library
Henry, Eugenia M....	Librarian.....	Attleboro (Mass.) Public Library
Hiss, Sophie K.....	Assistant, catalogue section.....	New York State Library
Judson, Katharine B..	In charge of periodical department	Seattle (Wash.) Public Library
Leonard, Mabel E....	Assistant, catalogue division.....	Library of Congress
1907		
Bailey, Louis J.....	Assistant, copyright division.....	Library of Congress
Carr, Georgina E.....	Junior assistant, circulating department	Worcester (Mass.) Free Public Library
	Assistant to the librarian.....	Union University
Coulter, Edith M.....	Head cataloguer.....	Berkeley (Cal.) Public Library
Foley, Margaret B....	In charge of reference room.....	Hartford (Ct.) Public Library

CLASS AND NAME	POSITION	INSTITUTION AND PLACE (unless implied)
Hadley, Chalmers	Secretary and State Organizer	Indiana Public Library Com- mission, Indianapolis
Hemans, Ida M	Assistant, reference department . . .	Carnegie Library, Pittsburg, Pa.
Hillis, Julia E	Assistant	New York State Library
Holding, Anna I	Assistant, catalogue section	New York State Library
King, Julia E	Assistant	Vassar College Library
Lathrop, Helen	Assistant reference librarian	Stanford University
Lewis, George L	Librarian	Westfield (Mass.) Athenaeum
Metz, Corinne A	Librarian	Washington Courthouse (O.) Public Library
Neef, Harriet C	Assistant	Vassar College Library
Nunn, Janet H	Librarian	Carnegie Public Library, Kalis- pell, Mont.
Scott, Carrie E	Assistant organizer	Indiana Public Library Com- mission, Indianapolis
Steffa, Julia	Acting librarian	Pomona College
Vitz, Carl P. P	Assistant librarian	District of Columbia Public Li- brary
Ward, Ruth L	Assistant	Williamsburgh branch Brook- lyn Public Library
1908		
Hooker, D. Ashley	Assistant	Silas Bronson Library, Water- bury, Ct.
Hulburd, Annabel A . . .	Assistant	Roswell P. Flower Memorial Library, Watertown, N. Y.
Joslyn, Rosamond	Assistant in children's department, Prospect branch	Brooklyn Public Library
Kimball, Florence B . . .	Classifier and cataloguer	Groton (Mass.) Public Library
McGirr, Alice T	Substitute assistant, circulating de- partment	Carnegie Library, Pittsburg, Pa.
Marquand, Fanny E . . .	Cataloguer	Mount Vernon (N. Y.) Public Library
Moore, Dora	Assistant	University of West Virginia Li- brary
Reeves, Bertha B	Assistant in classification and cata- loguing	Colgate University Library
Ross, Georgette	Assistant children's librarian	District of Columbia Public Li- brary
Smith, Elizabeth M . . .	Assistant	New York State Library School
Smith, Fannie M	Assistant, children's department, Saratoga branch . .	Brooklyn Public Library
Sweet, M. Louise	Assistant	Roswell P. Flower Memorial Library, Watertown, N. Y.
Whittemore, R. Gert- rude	Librarian	New Hampshire College of Agriculture and Mechanic Arts, Durham, N. H.

In addition to the appointments listed in the preceding table, the following temporary paid positions were filled during the period covered by this report.

CLASS AND NAME	POSITION	INSTITUTION AND PLACE (unless implied)
1893		
Sutliff, Mary L	Instructor	University of California Sum- mer School for Librarians
1894		
Bullock, Edna D	Classifier and cataloguer	Theological Seminary Library, Rochester, N. Y.
"	Cataloguer	Circulating Library, Medina, O.
1899		
McCall, Catharine	Organizer	Hoosick Falls (N. Y.) Public Library
1900		
Smith, Faith E	Instructor	Chautauqua (N. Y.) Summer Library School
1901		
Vought, Sabra W	Instructor	Chautauqua (N. Y.) Summer Library School

CLASS AND NAME	POSITION	INSTITUTION AND PLACE (unless implied)
1903		
Brown, Zaidee	Instructor	Simmons College Summer Library Class, Boston
1904		
Dunham, Mary E.	Cataloguer	Theological Seminary Library, Rochester, N. Y.
Peck, Harriet R.	Organizer	Ghent (N. Y.) Public Library
"	Organizer	Dodge Memorial Library, West Chazy, N. Y.
"	Organizer	Corning, (N. Y.) Free Library
"	Instructor	McGill University Summer School for Librarians, Montreal
"	Instructor	Simmons College, Summer Library Class, Boston
Whitbeck, Mrs Alice G.	Instructor	University of California Summer School for Librarians
1906		
Dresser, Annie S.	Cataloguer	Private Library of Phineas S. Conner M. D., Cincinnati, O.
1907		
Brown, Mary G.	Organizer	Wimodaughasian Free Library, Canisteo, N. Y.
Coulter, Edith M.	Organizer	Tivoli Public Library, Madalin, N. Y.
Kildal, Arne	Cataloguer	Collection of incunabula of John Boyd Thacher, Albany, N. Y.
"	Instructor	Winona Lake (Ind.) Summer School for Librarians
Merritt, Louisa F.	Classifier and cataloguer	Village School District Library, Malone, N. Y.
Nunn, Janet H.	Cataloguer	Private library of Miss Laura Hoe, Tarrytown, N. Y.
Steffa, Julia	Assistant catalogue section	New York State Library
"	Classifier and cataloguer	San Mateo (Cal.) Public Library
Ward, Ruth L.	Assistant	Circulating Dep't New York Public Library
1908		
Adsit, R. Lionne	Assistant	Newark (N.J.) Free Public Library
Fifield, Winnifred F.	Assistant	Roswell P. Flower Memorial Library, Watertown, N. Y.
Josiyn, Rosamond	Assistant	Chatham Square Branch, New York Public Library
Rush, Charles E.	Assistant	Newark (N.J.) Free Public Library
Smith, Elizabeth M.	Assistant	Newark (N.J.) Free Public Library
Stebbins, Howard L.	Assistant	Amherst College Library

Notes and comments

A.L.A. committee on library training. Two members of the committee of the American Library Association on library training, Mr J. C. Dana and Miss Isabel E. Lord, visited this School during the year under review. The committee has prepared during the year a seven page pamphlet *Training for librarianship* which has been printed by the A.L.A. Publishing Board as *Library tract no. 9*. The pamphlet is a statement of the necessity for such training; of the agencies through which library training is now to be had in this country and an admirable summary of the attractions and advantages of library work and of the personal qualifications which should encourage or discourage would-be candidates.

Men in library work. In popular apprehension library work is woman's work and it is true that a large proportion of the thousands of library workers in the country are women, including many of the most talented and useful members of the profession. At the last annual conference of the American Library Association the total attendance numbered 478. Of these 310 were women and 168 men, but of those who are registered as chief librarians there are 79 men and 78 women. These figures furnish the reason why there is great promise and opportunity for good men in library work. Men have probably always been preferred for the chief positions, but library salaries hitherto have been so small that in library work as in teaching the rank and file have been overwhelmingly women. Within recent years however salaries have become somewhat better and coincidentally, and without doubt intimately related to this fact, has come an increased and steadily growing preference for men as chief librarians. At the present moment the demand for good men to take not only the chief places but the more important subordinate ones, is far beyond the supply. The New York State Library School in 21 years has matriculated 475 students and of these 107 have been men. Six of these have died. Some have not been adapted to library work and have dropped out after a residence of a very few weeks or months. Others have been unable to resist the more alluring commercial opportunities, but of the entire number, 75 or three fourths of those still living are now actively engaged in library work. There are but two instances of men who left the work after completing the course. That so large a proportion of these men continue in the work is strong testimony to its opportunities for advancement and its reasonable pecuniary rewards. This School graduates from three to five men every year and the salaries at the beginning range from \$900 to \$1200. These figures will compare very favorably with salaries first paid to young doctors of philosophy just beginning to teach. To carry this comparison still further, it seems fair to take for granted that somewhat the same type of man that plans to go into college work as instructor and ultimately to become head of a department will be attracted to library work. A baccalaureate degree is considered essential as a prerequisite, and for the best library training in the country two years of graduate work are now required, while to secure the doctor's degree at least three years are necessary. College presidents will probably bear out the statement that there is an abundance of newly fledged doctors of philosophy anxious to take positions as instructors or assistant in-

structors in the best universities of the country at from \$600 to \$800 per annum, while a degree from the only library school that trains any considerable number of men is practically a guaranty to a reasonably competent man of an initial salary from \$900 to \$1200 per annum. The best salaries in the library field, ranging as they do from \$5000 to \$7000 are better than the professorships in the leading American universities, so that the comparison seems to favor the trained librarian as against the doctor of philosophy. It is not wholly the feeling that it is women's work that deters men from taking it up, nor the counter attractions of scholastic positions, nor the superior pecuniary opportunities which seem to await the other professions. These all have their weight, for library workers *are* mostly women, college instructors *are* mostly men, and while it is probably more difficult to establish a lucrative or even a modest practice in medicine and law, yet once a reputation is made the rewards are far larger than can ever be hoped for in library work, and the allurements of commercial life have never been stronger than at the present time, and have never held out greater opportunities of large financial reward. But a stronger reason than any or all of these is the fact that men have never thought of library work as a life work. They have known nothing of its opportunities for executive and administrative ability, for real scholarship, for high social service, of its educational relations and significance. It has been to young men a terra incognita and while college graduates have as a matter of course, gone on to graduate work in law, medicine, theology and engineering, a new profession has arisen, as yet little known and when known or thought of, somewhat contemptuously discredited by the trail of the feminine; a profession offering to certain temperaments even greater advantages for active usefulness than some of the traditional ones.

New quarters. The site of the new building for the Education Department has been cleared, an architect has been chosen and the plans have made gratifying progress during the year.

The rooms for the Library School will be located on the third floor and will include, according to present plans, a study room with provision for 100 desks, 2 lecture rooms, seminar and study room, administrative offices, a large exhibit room and library, supply room, conversation room and typewriter room with a total area of 10,000 square feet.

Publications. The following regular circulars and reports with three other titles, the work of the faculty or students of the school, have been published during the year.

19th Annual report 1905. 32p. (Library School bulletin 23)

20th Annual report 1906. 24p. (Library School bulletin 24)

Circular of information 1906-7. 8p.

Circular of information 1907-8. 12p.

Brief list of useful books on library economy. 2p.

An annotated list of 26 books and periodicals used in the regular work of the school.

Library building plans; collected by W. R. Eastman. 59p. (Library School bulletin 22)

A careful selection of 70 plans and views representing 22 actual buildings, of which 12 are in New York, 2 each in Maine and Pennsylvania, and 1 each in Canada, Connecticut, New Jersey, Wisconsin, Iowa and California. With each plan are given data as to material, dimensions, floor space, book capacity, architects, and brief comments. The bulletin is specially suggestive for small buildings costing from \$1170 to \$50,000.

Reading list on Scotland; by Alice Lyman. 32p. (Bibliography bulletin 42)

Submitted as one of the requirements for graduation from the New York State Library School. 175 carefully chosen and annotated titles of popular, modern books in English on the history, description, religion, literature and art of Scotland.

Stereopticon. The lecture room has been equipped, during the year, with heavy black shades, an opaque screen 12 x 12 feet, and an automatic double dissolving electric stereopticon complete with signal.

The use of this outfit in Mr William Dawson Johnston's lectures on the development of library architecture, Mr William Dana Orcutt's on the evolution of the art of printing and in those given by the faculty on library buildings, presidents of the A.L.A., traveling pictures and lantern slides, children's work and other topics, has added much to their interest and effectiveness.

INDEX

- A. L. A. committee on library training, 215**
- Administration, course on, 203**
- Alumni, 211**
- Alumni lectureship, 212**
- Attendance, 201**
- B. L. S. degree conferred, 206-7**
- Bibliographies, submitted and approved, 205-6**
- Bookbinding, course in, 204**
- Calendar 1906-7, 200**
- Certificates, number issued, 206**
- Commencement, 206**
- Courses of study, changes in, 203**
- Credentials, number issued, 206**
- Degrees conferred, 206-7**
- Elective work, 203**
- Faculty, 209**
- Government documents, senior course in, 204**
- Juniors, number, 201; class of 1908, 202**
- Lecturers, 210-11**
- Library School, new quarters, 217**
- Library training, A. L. A. committee on, 215**
- M. L. S. degree conferred, 207**
- Men in library work, 216-17**
- New York State Library School Association, 211**
- Pass cards, number issued, 206**
- Positions filled, 212-15**
- Practice work, 204-5**
- Publications, 218**
- Seniors, number, 201; class of 1907, 201-2**
- Staff instruction, 203**
- Students, attendance, 201; classes, 201; colleges represented, 201; from other states and countries, 201; list, 201-2; number, 201; positions filled, 212-15**
- Summer session, 207-8; students, 208-9**
- Visit to other libraries, 205**

Education Department Bulletin

Published monthly by the University of the State of New York

NO. 422

ALBANY, N. Y.

MARCH 1908

PROCEEDINGS OF THE
45th ANNUAL CONVOCATION
OF THE
UNIVERSITY OF THE STATE OF
NEW YORK

October 17 19, 1907

	PAGE		PAGE
Plan of Convocation.....	2	Plan and Purpose of Meeting in	
Summary of Session.....	3	Public Schools: FRANK DAVIS.....	61
Appointments.....	7	Education.....	61
Prayer: Rev. C. G. SCHAFER.....	9	Education in Language:	
Chancellor's Address: Vice-Chan-		FRANK MATTHEWS.....	73
cellor ST. CLAIR McKIMWAY.....	9	Education and Citizenship:	
The Public Servant: J. H. F. NEEV.....	10	WILLIAM NORTH CHAMBERLAIN.....	132
The Humanizing of Study:		Education in Massachusetts:	
W. H. P. FAIRBANKS.....	19	CHAS. H. P. HASTINGS.....	137
A Museum of Art in Public Edu-		Children's.....	161
cation: C. P. CHAPMAN.....	33	Index.....	163
Graphic Art as a Factor in Public			
School Education: H. L. BARTLEY.....	40		
Necrology: C. W. HARTSON.....	57		

ALBANY
UNIVERSITY OF THE STATE OF NEW YORK
1908

STATE OF NEW YORK
EDUCATION DEPARTMENT

Regents of the University
With years when terms expire

1913	WHITELAW REID	M.A. LL.D. D.C.L.	<i>Chancellor</i>	–	New York
1917	ST CLAIR MCKELWAY	M.A. LL.D.	<i>Vice Chancellor</i>	–	Brooklyn
1919	DANIEL BEACH	Ph.D. LL.D.	– – – – –	–	Watkins
1914	PLINY T. SEXTON	LL.B. LL.D.	– – – – –	–	Palmyra
1912	T. GUILFORD SMITH	M.A. C.E. LL.D.	– – – – –	–	Buffalo
1918	WILLIAM NOTTINGHAM	M.A. Ph.D. LL.D.	– – – – –	–	Syracuse
1910	CHARLES A. GARDINER	Ph.D. L.H.D. LL.D. D.C.L.			New York
1915	ALBERT VANDER VEER	M.D. M.A. Ph.D. LL.D.		–	Albany
1911	EDWARD LAUTERBACH	M.A. LL.D.	– – – – –	–	New York
1909	EUGENE A. PHILBIN	LL.B. LL.D.	– – – – –	–	New York
1916	LUCIAN L. SHEDDEN	LL.B.	– – – – –	–	Plattsburg

Commissioner of Education
ANDREW S. DRAPER LL.B. LL.D.

Assistant Commissioners
HOWARD J. ROGERS M.A. LL.D. *First Assistant*
EDWARD J. GOODWIN LL.D. L.H.D. *Second Assistant*
AUGUSTUS S. DOWNING M.A. Ph.D. LL.D. *Third Assistant*

Director of State Library
EDWIN H. ANDERSON M.A.

Director of Science and State Museum
JOHN M. CLARK Ph.D. LL.D.

Chiefs of Divisions
Administration, HARLAN H. HORNER B.A.
Attendance, JAMES D. SULLIVAN
Education & Extension, WILLIAM R. EASTMAN M.A. M.L.S.
Examinations, CHARLES F. WHIFLOCK B.S. LL.D.
Inspection, FRANK H. WOOD M.A.
Law, THOMAS E. FINNAN M.A.
School Libraries, CHARLES E. FITCH L.H.D.
Statistics, HERMAN C. CASE
Visual Instruction, DE LANCFY M. ELLIS

New York State Education Department

45th UNIVERSITY CONVOCATION

OF THE

STATE OF NEW YORK, OCTOBER 17-19, 1907

PLAN OF THE CONVOCATION OF 1907

PRELIMINARY ANNOUNCEMENT

General invitation. The Regents and all officers of any University department, all trustees, instructors and other officers of institutions in the University, officers of the State associations of teachers, superintendents, school commissioners and school boards, and others elected by the Regents, or by Convocation Council are **ex officio** members of University Convocation. Those holding similar positions in other states and all others interested in education are also cordially invited to attend.

Delegates. Each institution in the University is earnestly requested to send at least one delegate and to cooperate in making this meeting equal in interest and profit to any yet held.

Boards of education are urgently advised to authorize high school principals to attend the convocation and to pay their expenses thereto. It would be a warrantable public charge in view of the benefits to be obtained.

It will add greatly to the success of the exercises and to the convenience and satisfaction of all concerned if members will:

- 1 Register immediately on arrival;
- 2 Assemble promptly at each session.

In the plan of the University Convocation for 1907 the precedent of the last two convocations will be followed and the entire time of the meeting given to the consideration of one general subject.

The convocation program for 1907 will therefore deal with *The Place and Mission of Art in Education*. The term is used in its broadest sense and includes not only graphic and industrial art as taught in public schools, but also fine arts, music, and the art of expression in language. It is proposed to develop the two main phases of art education; 1st, creative — as a means of self-expression — including drawing, figures, colors, music, language etc.; 2d, receptive — as a means of enjoyment and self-cultivation — the power of appreciating good art, good music, and good literature.

It is desired that the formal papers be followed by thorough discussion. Many of the leading educators of the State have been asked to participate, but there has been no preferment on our program and all are invited to give their aid, in the hope of securing practical suggestions for the use of the Department and of the schools and colleges.

The attendance at the Convocation was fully up to the high level of 1905 and 1906, the total registration being 400. The regular attendance was of course greatly increased by local attendance from Albany and neighboring cities and towns, and the Senate chamber was crowded at all sessions.

SUMMARY OF SESSIONS

Thursday afternoon, October 17

- 3 p. m. Informal gathering at headquarters
4 p. m. Executive session of Convocation Council at the Education Department

Thursday evening, Senate chamber

7.30 p. m. Registration

8 p. m. Announcements

District Sup't DARWIN L. BARDWELL, New York City, for Convocation Council

Prayer

Rev. CHARLES G. SEWALL, Albany

8.15 p. m. Chancellor's address

Regent ST CLAIR MCKELWAY M.A. LL.D., Vice Chancellor

Address: The Public Servant

President JOHN H. FINLEY LL.D., College of the City of New York

Address: The Humanizing of Study

President W. H. P. Faunce D.D. LL.D., Brown University

Informal reception was held in the Senate lobby at close of addresses. All members of the Convocation and guests were invited to meet the Regents of the University and the Commissioner of Education.

Friday morning, October 18, Senate chamber

9 a. m. Registration

9.30 a. m. Announcements

District Sup't DARWIN L. BARDWELL, New York City, for Convocation Council

Address: The Province of a Museum of Art in a System of Public Education

Sir C. PURDON CLARKE F.S.A., Director Metropolitan Museum of Art, New York City

Report of Convocation Council on nominations

Report of committee on necrology

Address: Graphic Art as a Factor in Public School Education
HENRY TURNER BAILEY, Editor *The School Arts Book*; former
 State Supervisor of Drawing, Boston, Mass.

Discussion of same topic

[To show what is being done by the State to assist teachers in bringing art and other subjects more closely to the attention of pupils, the Division of Visual Instruction arranged an exhibit of wall pictures, hand photographs and lantern slides. All were invited to visit the rooms of this division, nos. 442 and 443 (4th floor).]

Friday afternoon, October 18, Senate chamber, 3 p. m.

Address: The Place and Purpose of Music in Public Schools
FRANK DAMROSCH, Director of the Institute of Musical Art,
 New York City

Discussion

HOLLIS E. DANN, Professor of Music, Cornell University

Address: Expression in Language

BRANDER MATTHEWS LL.D. D.C.L. Lit D., Professor of dramatic literature, Columbia University

Discussion

President RUSH RHEES D.D. LL.D., Rochester University

Address: Industrial Art: How it is Advanced by Art in Education

GEORGE F. KUNZ M.A. PH.D., New York City

Friday evening, October 18, 7.30 p. m.

The members of the Convocation joined with the members of the Hudson River Schoolmasters Club in a dinner at the Hotel Ten Eyck. The entire membership of the Convocation was welcomed to the after-dinner speaking which began at 9.30 p. m.

The speakers and their addresses were as follows:

Address: The New Education

HARRY PRATT JUDSON PH.D. LL.D., President of the University of Chicago

Address: Education and Citizenship

WILLIAM NOTTINGHAM PH.D. LL.D., Regent of the University of the State of New York

Saturday morning, October 19, Senate chamber

Announcements

District Sup't DARWIN L. BARDWELL, New York City, for
Convocation Council

Address: Industrial Education in Massachusetts

PAUL H. HANUS B.S. LL.D., Professor of Education, Harvard
University; Chairman of the Commission on Industrial
Education

Discussion

Rev. E. P. POWELL, Clinton, N. Y.

APPOINTMENTS

The Convocation Council acting as a committee on nominations recommended the following appointments to fill the vacancies on the various University Councils for the year 1907-8:

Convocation Council

Associate City Superintendent Edward L. Stevens, New York
City

College Council

President Langdon C. Stewardson, Hobart College

Academic Council

Principal E. R. Whitney, Binghamton High School

Library Council

Frank P. Hill, Brooklyn Public Library

Medical Council

Dr Egbert Le Fevre, University and Bellevue Hospital Medical
College

Advisory Council of Nurse Training Schools

Miss Annie W. Goodrich R.N., general superintendent of nurse
training schools, Bellevue Hospital, New York City

Mrs C. M. Simpson R.N., superintendent of nurse training school,
Albany Hospital, Albany, N. Y.

Miss M. J. Jones R.N., superintendent of nurse training school, Rochester City Hospital, Rochester, N. Y.

Miss Ida M. Root, superintendent Nathan Littauer Hospital and Nurse Training School, Gloversville, N. Y.

Dr William L. Russell, medical inspector under State Commission in Lunacy, Poughkeepsie, N. Y.

These recommendations were unanimously approved by the Convocation, and the chairman announced that they would be submitted for action to the Board of Regents at their next meeting.

ADDRESSES, PAPERS AND DISCUSSIONS

Thursday evening, October 17

The Convocation was formally opened at 8.15 p. m. by Vice Chancellor McKelway.

The following prayer was offered by Rev. Charles G. Sewall:

O Thou Almighty God, Our Heavenly Father, we acknowledge Thy goodness and Thy power, and we invoke Thy blessed presence. Thou art the God of all wisdom and all truth. From Thee cometh every good and perfect gift. With Thee there is no variableness nor shadow that is cast by turning. All that we have comes from Thee and all our best aspirations tend toward Thee. Thou art the Author of all Good and we desire Thy presence here at this time. We thank Thee for Thy mercies to this commonwealth and we invoke Thy guidance in all of these conferences. We bless Thee for the institutions of benevolence and for education which are here found and we invoke Thy assistance in all their councils. We ask Thee to preside over this Convocation, that through the personal contacts and through the mingling of thought Thy will may be done and Thy kingdom come, and with all our conclusions may we learn to know Thy will in order that we may strive to do it. We ask it through Jesus Christ, Our Lord. Amen.

CHANCELLOR'S ADDRESS

My friends, I am asked to call you to order and shall within a few minutes liberate you to the enjoyment of the program arranged for your instruction, and at any point open to your enlightening debates. The shortest address ever made to a convention in this state was in these words: "Gentlemen, I thank you for the honor of electing me to be chairman. The business of a presiding officer is to preside. Gentlemen, what is your further pleasure?"

It should be recorded that that presiding officer did not lack matter. On the contrary, he was under an embarrassment of riches of matter, as to which he did not wish either to gorge or to disgorge his cautious mind. His compacted courtesy and precision left him and the convention free to act, and secured for him the grateful and surprised commendation of relieved reporters. I am, however, under the pressure of no such difficulty, nor am I confronted with any such necessity for reserve. Our Convocation has nothing to

conceal and should have something to reveal. We need not be long the tedious, but there is no reason for us to be timid or tentative. Besides, I am under the order, so to speak, of the committee of arrangements. Their order to me is to occupy half an hour of your time, and then give way to the men who are to follow me, upon whom I do not think any such limit to language has been placed. Of course, I must obey orders. I shall have in my obedience to orders, at the outset, a justification for insisting on your obedience to orders during the progress of the Convocation, from day to day.

I am fortunate in another respect: Those who are to come after me will be expected to keep themselves within the limits of set topics. I am under no such restriction. I could say everything, or could magnify any nothing, at will. Still, I do not propose to go far afield. There are two things, upon which in succession I would speak, equally affecting us all and especially gratifying to the Board of Regents as a body, that had something to do with bringing them to pass.

The first matter to which I shall refer is the progress of arrangements for the State Education Building in this city. In a general way you are aware of some of the facts. They are, however, worthy of particular statement and of grateful record in the account of this Convocation. The Board and the State have reason to be pleased with the location of the new building. It will be near enough to the Capitol for accessibility. It will be far enough from the Capitol for freedom from the seething competitions and the conflicting aspirations or policies which within that great building, find victory or sepulture — glory or the grave. This double quality of proximity and isolation will have upon the Department of Education and upon the Board of Regents an advantage which we can predicate of our successors and which, we hope, our contemporaries will be minded to accord to us.

In this great building we have been only tenants. We have tried to be good and grateful tenants. But the premises to which we have been assigned have been as many as the stories of this structure and as remote and as disconnected from one another as can well be imagined. If we have not felt dejected, because of the kindness of the State we have felt dejected under the pressure of circumstances that could not be always adjusted to conditions of comfort or of equity, as we have regarded them. If this statement seems to be either general or obscure, I can assure you that it was my deliberate purpose to make it so.

Nor has the Department of Education been a tenant by sufferance of holes and corners of the Capitol alone. Parts of our archives have been in several state buildings and all of them in none. This is too well known to be retold to friends. It is mortifying enough to be withheld from strangers. We are very happy that in the near future the disintegration and diffusion will give way to system, to unity, to concentration and to orderly sequence. Exploration parties will then not need to be sent to State Hall. Excavators will not have to be dispatched to Geological Hall. Search warrants will not have to be procured to replevin from cellars or tenements or other remote recesses the boxed-up treasures — perhaps the boxed-up trumpery — of our educational estate.

The situation, still a while to be endured but happily soon to be ended, reminds one of what Frederick Douglass said of his first visit to Abraham Lincoln: "When I entered the White House where Mr Lincoln was, he very gradually withdrew his feet from the remote corners of the room into which they had inadvertently strayed. As I advanced, he began to rise and he continued rising."

My friends, the Department of Education, including, as should always be said, its most important organic constituent, the Board of Regents, soon hopes slowly to be gathering its scattered assets from the different quarters of this dear old city, into which they have perhaps inadvertently strayed. We can also say that the Education Building, in a sense, has begun to rise and that it will continue rising, until capstone shall be placed upon it and until we can hail and salute it with shoutings of "Grace, grace, unto it!"

A very important fact, however, should not be forgotten. There had to be one Department of Education before one building for that department could be requested or secured. When and where there were two or more departments called of education, there could only be cross-purposes, separation, discord, undermining, controversy, dishonest truces — and honest war. The new building will vindicate concentration. But before concentration there had to be consolidation. You and I know this now. All of us knew it before, but not a few of us were divided and disaffected, because some of us wanted our views to be dominant and others wanted theirs to be dominant, and we were at our tempers' end and the Legislature was at its wits end, under the apparent impact of an irresistible but discordant force upon an immovable and cantankerous object. The Legislature, which, if you please, under the peremptory pressure of enlightened politicians, arbitrarily ordained educational consolidation, did well for and deserved well of the State. Whatever the

errors of that Legislature, or of those by whom, may be, it was arbitrarily controlled, the enactment of educational consolidation was an achievement which should command for those who brought it about the gratitude and the praise of the people of the State of New York.

We of the Board of Regents must admit that, as self-constituted statutory constructionists, some of us were in doubt whether the old Department of Public Education or the still older Board of Regents was on top, in the consolidation. Whatever academic estimate of that proposition might have been possible, none was made necessary.

The Education Commissioner, in the first instance, elected by the Legislature, and the members of the Board of Regents, designated by the same body, found one another to be in such accord that contention was impossible, and a clear sense of the duty of cooperation in the interests of the State naturally followed. For the Regents, and not for the Commissioner, I wish to say right here that his judicial, unselfish, trustful and disarming spirit made him our comrade and our legal luminary, and ourselves his cordial and affectionate coadjutors. Where he begins and we leave off, or where we begin and he leaves off, will never be discernible by the present Board or by any successors in our likeness.

Best of all, we have by law the duty of selecting his successor on the expiration of his present term. That is only another way of saying that he will succeed himself, so long as he may desire to do so, and that there will be neither constitutional nor traditional opposition, whether to a second or to a third term in his case, in the minds of the Board or, as we believe, of the State.

Somewhat discursively, this leads me further to say that when the Commissioner found the consolidation of the educational forces was a fact, he addressed himself to the task of securing for the Department of Education legislation which will by evolution assure the edifice which will soon be its hive and its home. Of course, that was done suggestively, quietly, considerately and with diplomatic deference to the initiative of the Legislature and to the ultimate power of the Governor over legislation. A consequence of all this has already been set forth. When I tell you that a commanding and spacious site has become the property of the State, that a scheme of progressive appropriations has been put under way, that a representative state board of construction has been established and that an artistic harmony of the best plans submitted has been attained, then you may realize the value of what has been accomplished, the certainty that it will be carried to completion and the surety that it

will be, for centuries to come, the seat and the source of influences that will strengthen and better the powers of uplift in the commonwealth, within the republic and around the world.

What the views of the friends of education concerning this achievement are, should be those of the people at large. The proposed structure will not be the proof of the sheer importunity of the Education Department or a concession by the Legislature to rid itself of such importunity.. The biblical widow who wearied the unjust but jaded judge into granting her request can not be cited as a type of the Commissioner of Education or of the Board of Regents. With want of consideration for widows we can not be charged. Of Tony Weller's aversion to them, we can not be accused. Our cause was just. Our importunity was tactful. Our appeal was to the duty of the Legislature to meet a need of the people.

Never were better reasons submitted for a public building. The Capitol, which was to be large or elastic enough to house nearly all the departments of the State for a generation, is overcrowded. The State has had the temerity to grow in population beyond the precedents or the imagination of strenuosity, whether affected by a relation to presidential preachments or to vital statistics. The expansion of government has been greater than the increase of the people, whether by unapprehended immigration or by fortuitous or premeditated fecundity. And the same people have demanded that education shall be extended far beyond the elementary stages, to which it was long confined, and that the children of the state directly or indirectly shall freely be as well schooled, either by the State or within the cities of the State, as any children of any class in the land can be at private charges. Whether this ought to be so or not, this is so, and in a commonwealth, controlled by public opinion and by public suffrage, this is to become so more and more.

I have postponed, on purpose, to this stage of this free talk the disclosure of the second important act of the State, with reference to the Board of Regents. The late Legislature devolved upon this Board the unification of examinations of qualified students of medicine and of surgery, to become practitioners among the people. For several years, three classes of medical practitioners were recognized. Slowly but strongly other classes pressed for recognition. Other classes still were forming to press for it. The State was threatened with as many varieties of medical claimants as there are of religious or sectarian claimants. The Constitution does not permit to any State any function of preacher-making, for religion is as free among the

people as trade is between the states. But doctor-making is a different matter. The preacher can tell us how to live and what to believe in this world, with reference to eternal safety and happiness beyond it. But the doctor is the chartered authority to preserve our health, to mend our injuries or to soften the ills and to temper the sufferings of mortality, when life can not be saved or prolonged.

The freedom of the citizen in religion and the responsibility of the state for doctor-making suggest a distinction that is obvious. This State made notable advances in medical education, years ago. It took away the power to commission physicians and surgeons from the institutions in which they received their education. The interest of those institutions in admitting their students to practice was greater than their interest in keeping the unfit among their students from admission to practice. This need not be said for censure. It is simply the result of what may be called the infirmities of human nature. The State found this so, when it assumed the sole power finally to examine and officially to commission physicians and surgeons. The State set the standard and indirectly the State appointed the examiners.

Last winter, the Legislature ordered that the indirect appointment of medical examiners by the State should cease. The State ordered that the examiners should be appointed by the Board of Regents; that the standard of qualifications should be uniform, and that those who pass such examinations should be State authorized practitioners of medicine and of surgery, and that none others should be permitted to become such practitioners. This was a radical advance. It was necessary to protect the people from what we may call medical ignorance and surgical sciolism. Not that the State cared to which school or to which alleged school of practice those who attained licensure might afterward incline. That was their business. To prefer them or to discard them was within the option of the people. It was the duty of the State to provide educated practitioners and to protect the people from the admission of any other kind to licensure.

This has been done by the act already referred to. The Board of Regents have appointed medical examiners and those examiners are at work. Their examinations will be uniform, impartial and scientific. Those who pass them will be the only qualified practitioners of medicine and surgery within this commonwealth, in the near future. It is safe to predict that in that near future, few practitioners will be minded to call themselves by any other titles than "doctor" or physicians and surgeons. The labels that are now

used will not, during many years, be especially significant. The dropping of them by the end of this generation may reasonably be expected.

The Regents very wisely selected the medical examiners from the various schools of practice within the State. They very wisely limited their selection within those schools of practice to those who had received a medical education on the line of the highest former standards, and likewise to those who believed in the new law and who had not endeavored to defeat it. The system was put to nurse to its friends. Its fate was not farmed out among its enemies. The justification of this has been found in the approbation of all branches of the medical profession and in the approval of the people and of the press, as the interpreter of the people. The terms of these examiners are three years, two years and one year for the purpose of securing recurrent designations, as in the case of the other state boards. Possibly for this generation, indirect cognizance will have to be taken of former divisions of medical instruction and practice, but hardly for longer than that. Educational sectarianism in medicine will cease, as medical sectarians die off, and a uniformity of standard, steadily maintained, will enable a uniformity of selection to be made, when the reasons for and the representatives of sectarian medical education shall both have passed away.

No bar has been raised against any kind of medical or surgical practice. Only a single standard of assured intellectual, educational and, as far as can be ascertained, moral fitness has been established. To that there must be conformity. Subject to that, as already intimated, the law is liberty. There are not a few schools or pseudo schools of education and of practice that may clamor for admission. Admission will be as open to them as to others, but always under the one standard of character, education and fitness which the State has peremptorily and, I believe, permanently, set. That standard will bar none. But none will be able to lower it or to trifle with that standard. Passing it, any graduates can practice what methods they please or cater to the idiosyncrasies of patients, as they please. Of course, as the educational standard of practitioners is raised and maintained, so will the judgment and sense of patients in proportion be increased. The credulity on which quackery subsists will be ended when quacks are outlawed.

This is real reform. This is a genuine advance. While this was, at the last, suddenly accomplished, it was the result of long study, long effort and of a long experience of the State with other methods. The Board of Regents was highly complimented by the State when

the State made it, through its medical appointees, the clearing house for medicine and surgery in the future. The excellent recognition of what may be called existing schools, and the more extended recognition of schools or systems which may spring up, subject to the one standard of knowledge, character and efficiency, can not be too highly praised. All can come in that should. None can enter that should not.

How carefully and, withal, how slowly the State moved should not be forgotten. It shifted the center of power to credential doctors from over the heads of medical schools to the agents of the State. It made a doctor of any school thereafter a state product. He was a medical college pupil, but as a doctor he became, though not the product, the creature of the State. New York early led off in this. Other states then assumed the control of doctor making, in the final stages. The standards of the states differ, but the standard of New York is the highest and will become the standard of all other states of the first class.

The first act of our State was to establish for all intending surgeons and physicians a uniform degree of primary instruction. The State then saw to it that the different schools of medicine or surgery, or both, as nearly as could be, established a uniform degree of direct medical instruction. From that to the provision of this uniform educational standard by the State itself and to the credentialing of doctors by the State alone the course was natural and, though slow, was progressive and inevitable.

I have no condemnation to pass upon those who opposed this. Opposition is necessary to attrition. Attrition is the spur which carries progress to the front. It is the provocative to discussion. Discussion carries in it the certainty of the discovery and of the adoption of what ought to be and of what, having been obtained, endures. It was not for the Board of Regents to make this advance. It was fitting that the Board should urge it. It was fitting that the Commissioner of Education, as the voice of the Board, should urge it. This he did. Him the Board sustained. To him and to the Board the Legislature listened. From the Legislature to the Board has come the order for this advance. By the Board the order will be obeyed and, through the Board, the advance will be maintained.

It is well this is so. Our Board has always respected the orders it has received from the Legislature. We are limited by those orders. Some we have not sought. Some we have not desired. None have we ever declined. All we have loyally obeyed. The

Board, legally authorized and protected by the constitution and personally named by the Legislature, is both loyal and logical in obeying the will of the Legislature. The Legislature knows that to the Regents in medical or in other education can be safely left the execution of the will of the State. The Regents have seldom looked to the Legislature in vain. The Legislature has never leaned on the Regents in vain. This advance in medical education, though far from the last is also from the least requirement the lawmaking body has laid upon us.

The older members of our Board have seen and the younger members have learned of many advances which education has made in this great State. The State established normal schools and normal colleges against the contention that "To teach teachers to teach would be as absurd as it would be to teach mothers to nurse, or children to play." Well, teachers are now taught to teach and, until they have shown their capacity both by knowledge and practice to do so, they are not allowed to teach in the schools of the State. Mothers continue to nurse, but many mothers of the overworked poor are now intelligently taught how to bring up their children amid cleaner and sweeter surroundings than used to prevail and their children are even tenderly cared for, amid clean and sweet surroundings, while the mothers are at hard work in congested city centers. The children of the slums are gathered in kindergartens or in playgrounds. They are even tenderly taught how to play, instead of leaving the instinct for play to be outworked amid conditions of confusion and of dirt and of barbarism which combine to make for sin. The Saviour and Lover of little children has touched city, county, state and national life, and the human heart, with His sublime spirit. From the kindergarten at the basis to the university as the apex of our educational system, enlightenment has brought change. Change has signified progress and progress means tomorrow. The State is bound to complete and to perfect what it begins, for the moral and the spiritual law, in pursuance of which the State consciously or unconsciously acts, is bound imperceptibly, invisibly and irresistibly, to have its way in the heart of things and in the hearts of men. In this is not the socialism that levels down. In this is the spiritual regnancy which levels up.

Government is the ultimate of public opinion. The laws that cross that opinion are changed. Constitutions in its way are amended or interpreted in line with it. If few things are slower than the progress of public opinion into law, nothing is surer than that progress. The trend of such progress is today manifest. Gov-

ernment is minded to do for the people several vital things it has heretofore left to private initiative. In the light and under the force of the steady pressure of this ethical time toward better conditions, should be judged and can be foreseen the manifest duty and destiny of the State to take much of the higher education, as it has already taken nearly all of the primary and secondary education, into its own hands. Those hands, government of the people will make strong. Those hands, government by the people will keep clean. Those hands, government for the people, under the purposes of God for America, will make and will keep gentle and tender and tolerant, as well as strong and clean.

THE PUBLIC SERVANT

BY PRESIDENT JOHN H. FINLEY LL.D., COLLEGE OF THE CITY OF
NEW YORK

[We are obliged to announce with regret that this address can not be printed in the proceedings, as it was mainly extemporaneous, and no notes were taken, or paper submitted.]

The Chair — There is a tradition that North Carolina and Rhode Island, which were the last states to adopt the federal Constitution, respectively acted on the suggestion of Jefferson and of Hamilton in the work of delay; that the object of these statesmen was to get 11 states to ratify the Constitution, enough to set the government going, and then to keep the two remaining states of the original thirteen colonies out long enough, till the necessary additional amendments could be secured. Whether Jefferson prodded North Carolina and Hamilton, Rhode Island, I do not know. Tradition is to that effect. But we do know that part of the honor of the state of Rhode Island was the establishment of her system of education; and of that system Brown University is the head, and the Rev. Dr Faunce is the head of Brown University.

THE HUMANIZING OF STUDY.

PRESIDENT WILLIAM H. P. FAUNCE D.D. LL.D., BROWN UNIVERSITY

Whatever the occasion and whatever our theme, we are sure to find a point of departure in the vast treasure-house of Robert Browning. Tonight we begin with part of his poem called "Development: "

My father was a scholar and knew Greek.
When I was five years old I asked him once:
"What do you read about?"

"The siege of Troy."

"What is a siege, and what is Troy?"

Whereat

He piled up chairs and tables for a town,
Set me atop for Priam, called our cat
Helen, enticed away from home he said
By wicked Paris, who couched somewhere close,
Coward puss . . .
This taught me who was who and what was what;
So far I rightly understood the case
At five years old; a huge delight it proved,
And still proves—thanks to that instructor sage,
My father, who knew better than turn straight
Learning's full flare on young-eyed ignorance.

In these few lines we have interest, effort, apperception, correlation, concentration, and all the other processes and principles which have become the shibboleths of modern education. But we have them embodied in a father instead of a pedagogue, who made the living room a schoolroom, used chairs and tables instead of pictures and casts, and gave the growing boy not paradigms and conjugations, but a lifelong "huge delight."

This simple natural way of imbibing knowledge and enthusiasm from a father or a friend is of course the ideal of education. In the Republic of Plato the father who wishes Socrates to instruct his sons simply says: "Please let these young men have the benefit of your society." In modern England some of the greatest minds like Mill, Ruskin, Spencer have thus been educated mainly through the home, and have owed little to formal school training. There is something artificial and unreal in the very idea of the school. The school is a group of young people withdrawn from the natural grouping of the family and the community, and fashioned into a necessary but artificial grouping according to age and ability. The schoolhouse is an unnatural structure which an ideal society would not possess. "I saw no temple therein" is the apocalyptic description of the heavenly city. With equal justice the writer might have said: "I saw no school therein." In ancient Athens education apparently involved a going to school in earlier years, but the greater part of education was by conversation and discussion in the open air. One of the most hopeful signs of our times is that we are beginning to recover the Greek ideal and through nature study, athletic sports, and summer schools are beginning to see that no hygienic schoolhouse can be any true substitute for "God's great outdoors."

But study itself, wherever pursued, has a constant tendency to become abstract and inhuman. It inevitably involves a temporary withdrawal from reality, and a segregation of certain parts of experience.

The formulas of mathematics, so essential to all exact investigation, are mental constructions in a purely hypothetical world. It is only in Euclid and his followers that the three angles of a triangle are equal to two right angles. Actually no surveyor has ever found them so in any piece of ground. Hence the purely mathematical mind is notoriously unfitted for grappling with events and objects in daily life, and mathematical reasoning affords no guidance whatever in the drawing of social and moral inferences, or ascertaining truths in the realm of the contingent and the probable. "The

mathematical spirit" said Fouillée, "is the art of seeing only one side of a question."

The division of the materials of physical study into different sciences is necessary but unfortunate. In the real forest there is no division into fauna and flora, into geology, botany, and ornithology. These artificial divisions we impose for the purpose of study, just as the anatomist dissects out a single nerve in order to understand it. But he is in constant danger of seeing only the nerve and forgetting its union with the body.

All propositions, formulas, expositions, are attempts to express the ever baffling reality in terms of intellect. But in all ages, the perfunctory teacher and the stupid pupil never get beyond the intellectual expression, the juiceless formula. In all ages the multitude have received the formula as a finality and so education has sometimes closed their minds and deadened their spirits. How often this was the result of the scholastic education of the middle ages we all know. The schools were as Comenius called them, "the slaughter-houses of children." Scholasticism exhausted itself in laborious subtleties, and its boasted scholarship, removed from any study of facts, was a castle in the air. The old trivium and quadrivium whetted indeed the reasoning faculty, but gave no material on which to employ it. Disdaining studies which might ameliorate the life of the common people, the medieval teacher endlessly discussed the interior structure of the Paradise, or the number of angels that might stand on a needle's point.

The revival of learning, the sudden efflorescence of classical study, swept away the old scholastic rubbish and filled the universities with a superb enthusiasm. "Bliss was it in that dawn to be alive." Into the stagnation that had gathered around school and church came the great impulses and aspirations of the age of Pericles and the reign of Augustus with transforming power. To commune with Homer, Plato, Virgil, Cicero, was to experience a rebirth. The intellectual life of Europe was re-created by classical study and that impulse has endured to the present day.

But have the classics always thus been the bearers of sweetness and light in the last 400 years? Let the millions of schoolboys who have been compelled to grind in the prison house answer. For many of these millions, syntax and prosody have made acquaintance with the Greeks and Romans impossible; for millions of students Virgil has been merely a series of illustrations of the lexicon, and Cicero an obliging commentator on Harkness's Latin Grammar. The decadence of the Greek language as an instrument of culture today

is not wholly due to the encroachment of more modern studies. It is in part the Nemesis of devitalized instruction, the inevitable result of degrading the most luminous writings of the ancient world into mere engines of formal discipline. "We have murdered to dissect." We have "parsed" Caesar and Xenophon until they are no longer living spirits to our boys, but are mummies dessicated and horrible. In our higher schools classical philology is frequently as technical as any course in "chipping and filing," and much farther removed from genuine human interest.

Now our best classical teachers are making strenuous and successful efforts to humanize the study of Latin and Greek. They are refusing to observe the so called golden rule: "Teach unto others as others taught unto you." They are bringing students into contact with coins and marbles and inscriptions and all the utensils of a buried life. They are transferring the methods of the scientific laboratory to the classical seminar. They are carrying their advanced pupils to Athens and to Rome. They are using the language as a mere channel through which to reach the national or racial life. In spite of the inhuman college entrance examinations which inevitably tend to depress every secondary school into a cramming machine, our best teachers are really giving our boys and girls a glimpse of the ancient spirit and ideal. But that glimpse must be made possible for students in nonclassical courses. One of our most pressing needs is to make clear to nonclassical minds the great inheritance that has come to us from Greece and Rome, just as we have made the literary and religious bequest of Israel known to millions who are innocent of Hebrew.

So in the modern languages we are reaching out for better and more inspiring methods of instruction. Perhaps the heaviest responsibilities in modern education rest upon the teachers of English and French and German, since the training in coherent thinking, careful discrimination, and precise expression which was formerly gained by study of the classics, is now largely transferred to departments of modern language. But our teaching of English not only is ineffective, it is positively destructive of real appreciation of the treasures of our English tongue. Happily the amount of time spent on technical grammar has been diminished, and teachers of rhetoric have more "bowels" than once they had. But the daily theme writing, often forcing students to talk when they have nothing to say, seeming to affirm that quantity of output somehow leads to quality of style, and substituting the blue pencil for the living voice, has in some institutions become a mechanical and soulless routine.

The study of the masterpieces of our English tongue often leads, as we all know, to an aversion in the mind of the student which lasts throughout life. Our college graduates are frequently illiterate and unshamed. The elaborate mechanism of instruction that we have built up in the American college does not create the thing most needed — sincere admiration and lasting delight. Our English speech is mastered by Oxford graduates without any of our years of painful and vexatious drill. Of course Oxford is dealing with a different class of students, selected from the finest English homes, with centuries of culture behind them, while we are dealing with a great democracy, many of them from homes where good English was never spoken. But our trouble lies not only with the sons of artisans and immigrants, but with the sons of the refined and educated. We are graduating men who not only can not write a decent letter, but who take no pleasure in any literature beyond the flotsam and jetsam of the news stand. Oxford has no entrance examination in English nor any courses in English required after entrance. When I said to a professor in Balliol College: "How then do you teach English here?" he answered "Your American departments of English are killing the love of the mother tongue; we believe that good English, like good manners, is acquired simply by associating with those who already possess it." I know that the small group of men in an English college presents an essentially different problem from a freshman class of from three to five hundred, where the theme and the blue pencil and the fortnightly and the forensics and fifteen minutes of forced consultation are all parts of an apparently necessary but highly impersonal apparatus. But is it surprising that the elaborate schedule, the large force of clerks and assistants, the "theme readers" whose deadening task it is to correct the speech of hundreds of students they are forbidden to see or hear — is it surprising that all this cumbrous mechanism fails to kindle intellectual fire? "How can you bear," said one college senior recently when urged to write for a college daily, "how can you bear to push a pen over sheets of paper when you don't have to?"

I firmly believe that Oxford is right — good English is mainly the result of association with those who have it. It comes by contagion and not by drill. We learn to talk well, just as we learn to talk at all, by listening. Good English is a part of courtesy and honor and chivalry. It is not conformity to the rules in a textbook; it is conformity to the gentlest and noblest spirits around us and before us. It is the manner in which the best men and women

approach one another for intellectual and social exchange. If such men and women prefer the split infinitive, then the split infinitive is right; if they abhor it, it is wrong. If they want reformed spelling, then we should have it; if they don't want it for a century to come, good breeding will keep us from attacking their usage. To spend four years in association with a group of men who delight in the English tongue and daily exemplify its varied powers, is the best possible course in "college English."

Many of our teachers are questioning the effect of our constant approach to English masterpieces by the method of the dissecting table. When the unresisting "masterpiece" is laid out before the class, and they pick out one filament after another, when they have determined the origin of every historical and mythological and geographical allusion, do they, as a result, love the "masterpiece" or hate it? Are their imaginations kindled, their spirits "stabbed awake," and the fountains of delight unsealed? Or do they view the poem or essay as a cadaver which they were driven to carve and rend? Professor Nettleton, who has recently written strongly — none too strongly — out of his own large experience, quotes the student who told the story of his English course as follows: "We took Milton line by line, and the teacher explained away every illusion." But is it necessary to explain away in order to communicate the thrill of genuine delight? Is it necessary to apply spectrum analysis to every star before we can understand Jessica's cry

There's not the smallest orb that thou beholdest,
But in his motion like an angel sings?

The trouble is that appreciation is difficult to communicate in formal lectures, while knowledge is easily packed into 50-minute periods. Therefore we impart the unimportant knowledge, and the glow of feeling, the flash of insight, the illumination of the world which comes at the touch of Shakspeare or Keats or Tennyson — that we seem to resign all hope of giving away. Thus we tithe mint, anise and cummin, and pass over the things that make men live.

Ever since I was a child my imagination has been dominated by the three sonorous lines of Milton:

High on a throne of royal state,
That far outshone the wealth of Ormus or of Ind,
. . . Satan exalted sat.

Whenever I have come face to face with the audacity and insolent evil, whenever I have seen villainy assuming regal airs and

powers, I have remembered the great Miltonic figure in his arrogant magnificence. Yet,—must I confess my ignorance before this company?—I have an extremely hazy idea of the meaning of "Ormus." Was it mountain or river or province? To confess still further my abject condition, I have no particular desire for further information regarding Ormus, feeling dubious whether I could long retain such information if I had it. I know that Milton chose the word because it is a musical, mouth filling syllable, whose vowels make such rich harmony with those that go before and after in the sounding line; and to feel the marching meter and be permanently enriched by the vision of demoniac defiance is more to me than to know the latitude and longitude of Ormus, or the population of its capital.

When we read *Romola* or *Ivanhoe*, we are not seeking knowledge, and should frankly admit it. Our entrance examinations treat the literature of power as if it were the literature of knowledge and seem to hope that callow youth by picking it to pieces will learn their secret. A report from the weather bureau may indeed be treated in this way. It may tell us that an area of low barometric pressure is moving eastward from the Mississippi and that the wind is blowing at 45 miles an hour. The same kind of storm is described in the 29th Psalm—but how differently! "The voice of the Lord breaketh the cedars of Lebanon, and strippeth the forests bare, and in his temple everyone is crying 'Glory.'" The latter description is far nearer the facts than the former, for it is qualitative, while the report of the weather bureau is purely quantitative, excluding all reference to the world of spirit. The weather bureau rightly deals with causes and effects, and excludes motive, purpose and ideal. Yet it is in the realm of motive, purpose and ideal that man finds himself, and achieves his great service to the world. Unless literature is to sink to the level of a barometric chart, it must be dealt with in school and college as primarily a source of insight, passion and power. The only way to feel that power is vitally to touch the man who already feels it. Here the only possible education is by contagion.

But the same necessity appears in other departments of study. Recently I asked a brilliant young college woman, just finishing her junior year in college, what study she enjoyed most. She readily answered "Psychology," and I was delighted at her obvious philosophic bent. "What part of psychology did you most enjoy?" I continued. With equal readiness she answered: "Altogether the most interesting part of our psychology was studying the space

sensations of mud turtles." Now we all recognize the profound service of comparative psychology; we are glad of the objective methods which supplement the old introspection. But if to our students the central problems of psychology are not in the region of human attention, habit, volition, emotion, but are in the movements and sensations of reptiles, are we not again dehumanizing our study? Such study at least should be dissociated from philosophy and induced frankly to own its closer kinship with physics, physiology, and zoology.

In history most of us were put through a discipline that produced a stinging resentment which still rankles within. In the best New England schools of 30 years ago we recited in concert long lists of meaningless dates, or memorized a textbook which was in itself a lifeless manual. Happily this has now changed. The dates have largely fled to the margin or the appendix, and the drum and trumpet story has given place to biography and the tracing of the development of homes and occupations and institutions. History has been humanized in the public schools — but not yet in the universities. There the dominant school of thought is never weary of objurgation of Gibbon and Macaulay and Froude and Carlyle, while the annalists are at the front demanding that human interest should be banished in the name of scientific method. After listening to many a historical lecture we turn with grim satisfaction to the statement of Frederic Harrison: "It is certainly not true that a knowledge of facts merely as facts is desirable. Facts are infinite, and it is not the millionth part of them that is worth knowing. What some people call the pure love of truth means only pure love of intellectual fussiness."

In the study of physical and natural science we surely should be in touch with reality. In the nature study now so popular lies deep culture value. To get close to nature is to acquire not merely knowledge, not only physical health, but sanity and poise and patience, and sense of law and order and beauty. The introduction of scientific study has revolutionized education and produced a type of mind wholly opposed to the type produced by the scholastic discipline or on classical study. The intellectual texture of a Tyndall or a Huxley is distinctly different from that of a Newman or a Gladstone. Science has given to the modern world a new sense of the value of truth, has turned man's eyes outward from himself, has made him master of his physical environment. It has taught us to observe closely, classify logically, and has exalted that inductive reasoning by which men must always guide their daily life.

But must we not confess that here also a certain inhumanity has crept into the work of both teacher and pupil? Have we not attempted to cram into textbooks for little children an entire scientific system? Is not the child frequently lost in a maze of definition and classification? In my early days the school geography began with definitions of the ecliptic and the equator. Then we advanced to the western hemisphere; a little later to the continent of North America. Then we learned the states of the Union and how to bound them. Then we studied the New England states and were just about to take up the part of Massachusetts where we lived, when the summer vacation came and we had no time to become acquainted with our own home. A friend of mine who was put through the same method lived as a boy beside a small stream. In the spring it overflowed and a little tongue of land projected into it. Suddenly it flashed upon him that that little piece of land corresponded to what was called in the school geography a "peninsula," and which he supposed existed only in books. He ran into the house with all the joy of discovery, crying: "I have found it; I have found a real peninsula!"

Such things are improbable today. The sand maps and reliefs and outdoor expeditions have correlated geography to the daily vital experience. But still our textbooks err in crowding the university outlook upon the primary school. As Mr McMurry says: "The strong tendency of textbooks in natural science to be systematic (i. e. to give the outlines of a system) almost completely destroys their value for the common school." Endless analysis can not feed the growing mind of the child. Too much technic at an early age is not uncommon. The story of the plant life is vastly more important to the child than its classification. Real study of nature must not fail to touch the emotions, to refine the taste, and unconsciously feed social and moral impulse.

In the higher schools and colleges the same danger is present. Usually a course in science totally neglects the history of the development of human knowledge in that department. It has not time for the biographies or achievements of Linnaeus or Faraday or Pasteur. It disdains any general view of the subject, as necessarily superficial. It often forces a crude student into extreme specialization, and sets him grubbing in remote corners of the subject where large horizons are quite impossible. From such research all social and ethical inspirations are excluded as an *ignis fatuus*, and the mind may move with an arid and rigid precision which is

either more or less than human. Such a mind is typified in Browning's grammarian, who

Could define the enclitic *de*
Dead from the waist down.

Now what do we need? It is not pleasant to play the part of Cassandra, still less that of Thersites. But it is necessary at times to bring out in clear relief the abuse of studies we all honor and prize — since "the corruption of the best is always the worst." What do we need to make study more genial, more representative of man's entire nature, more truly human?

First, we need to emphasize the world of appreciation as well as the world of fact. The realm of reason and purpose, of character and volition, of aspiration and resolve, is for all of us far more real than the world of cause and effect, of force and formula, of materials and things. The world of ideals and qualities means far more in human life than the world of substance and quantity. The feelings are in the evolution of the race far older than the intellect and more powerful. To respond to the beautiful, the good, the true, instantly, decisively, permanently, to be at home with all noble utterance and achievement, to feel the suasion of great souls and have fellowship with them, is far more than to heap up any facts or classify any objects.

Here Greek education was peculiarly efficient. It is our standing wonder that the Greeks, having so little to teach with, could teach so well. They had no foreign languages, ancient or modern, no science as we understand it, no history save their own, only elementary mathematics, literature, music, and physical training, and yet they fashioned men we can not surpass. Their education was largely in the realm of appreciation, it dealt with the social, ethical, political, artistic, and it produced marvelous men.

Second, I need not say to an assembly like this that we must in education address the executive as well as the thinking powers. Manual training is distinctly humanizing, in that it restores the union of hand and brain which should never have been put asunder. Teaching a child to work with his hands is surely one of the humanities; it unites again intellect with feeling and action. The farmer's boy of 50 years ago did not suffer from the intellectualization of study, because three fourths of his training was in action. President Hall has traced 70 different trades or occupations that were practised on an old New England farm, and in most of these the boy had some part. The district school might be poor enough, but

the farm life was rich in materials for producing vigorous versatile self-reliant manhood. Now to the city boy we are trying to restore the lost materials of social and moral education. Precisely those qualities which the New Englander derived from the mastery of his stony hillsides, and the Virginian derived from raising stock or cultivating his plantations, those are the qualities which somehow must be given in and through the modern school. "The subjects taught in the country schools" says Professor Bailey of Cornell, "are not the essentials. The school does not represent or express the community. I do not know that any schools teach the essentials except as incidents and additions here and there, and essentials can not be taught incidentally or accidentally. Arithmetic and like studies are not essentials, but means of getting at or expressing the essentials. The first efforts of the school should be to teach persons how to live."

Third, we must regard all knowledge as the product and servant of the spirit of man. Things are of value just in proportion as they have spiritual uses and are shot through with meaning. Every study may thus be viewed from the human standpoint. Geology may sink to the level of the study of paving stones, or it may rise to an explanation of the migration of nations and the development of races. Botany may be made a mere wearisome analysis and chasing of Latin names through a book, or it may minister to art and agriculture and medicine. Chemistry may be a mere list of elements and compounds with their symbols and reactions, or it may be a glimpse into the constitution of the universe and a guide to industry and human progress. The vocational aim is not necessarily at war with the academic spirit. All our New England colleges were founded with vocational purpose, the direct training of young men for certain professions. Indeed the vocational aim rightly understood may save us from unreality and fog. Truth is not worth seeking unless it ministers to life, and all truth that does so minister is rich in material for culture. The greatest scientists are not mere marvels of erudition or generalization. They are intensely human. Pasteur's great discoveries were all the result of patriotic devotion to his country and true love for his suffering fellow men. Because the peasants of France were starving he studied the habits of the silkworm; because he saw children in convulsions he sought a cure for hydrophobia. The affectional side of his nature, his tenderness to his wife, his ambition, combativeness, power of anger — these things supported his scientific intuition and made it effective. One of his last utterances was "I am sorry to die; I wanted to do more

for my country. The scientist's cup of joy is full when the result of his observation is put to immediate practical use." Out of such a full, deep, rich nature, "out of the burning core below," came the impulse to scientific research. Such a nature was Agassiz, whose monument is all around us in America. The finest scholarship of the world springs from a red-blooded humanity, and its methods in school and college should appeal to the entire nature of human beings.

Fourth, and above all, we must exalt personality above mechanism in school and college. As I visit the superb new high school buildings recently erected in various cities, I feel a strange mixture of pride and regret — pride in such lavish expenditure and mammoth apparatus; regret that hundreds or thousands of pupils must be thus herded under one roof, and that the vast expenditure is not for teachers, but for marble vestibules and ventilating fans, and electric clocks and bells, and admirable ovens and lunch counters, and all the devices which are forever desirable but forever subordinate in true intellectual growth.

And the school principals may well make the retort courteous as regards our universities. We are profoundly grateful for the libraries and laboratories, the halls of literature and science that have arisen in many places as if at a touch of a magic wand. But the question steadily presses whether we are still masters of our materials and able to keep the soul on top. The remedy is not to be found in less material, but in larger spiritual wealth. In Germany the leading university professors are far better known than the institutions they serve; in America we think first of the organization — of Princeton, Chicago, Wisconsin — and only secondarily of the men who make the institution what it is. But we shall in due time grow up to our equipment — and students will resort to Pennsylvania or Leland Stanford, not because of any gymnasiums, or pools, or memorial gates, but because they there come under the instruction of men who are guiding national action and shaping the national ideal.

The university is a fellowship of scholars, and participation in the fellowship is higher education. The older Oxford ideals, replaced for the last 30 years by German ideas of vigor and rigor, are coming again to their own in America. The most interesting experiment in American colleges is that made the last two years at Princeton, where 60 new preceptors were added to the faculty at a blow, these men being chosen primarily for their human quality and sympathy with young manhood. Whatever the defects of

such a system, it certainly exalts personality in teaching, and allows time for the study of individual students. It makes students, and not departments or courses, the center of university attention. The old farm labor of a former generation in New England was labor in association with men who knew their calling and could teach it. The old apprentice system was toil in association with master workmen. The lawyer or doctor or minister then learned his calling by association with older and wiser men. There is no other way to learn anything. Back of all books and buildings and curricula and examinations and pageants lies the contagion of great minds as the sole quickening power, the one irresistible and undying force in education.

One of our colleges that has borne an honored name is now facing a certain aspect of this question. It has been offered from one to three million dollars on condition that it pledge itself never through all future centuries to allow intercollegiate sports. We at a distance know too little of the situation to utter any final judgment as to what were the reasons for such a unique bequest or what would be the local effect of such stringent prohibition. The real question lies far deeper. It is this: Shall any American college for the sake of any gift whatever, part forever with the power to shape its own interior life? Shall it secure ample endowment by a sacrifice of autonomy? Shall it be compelled to say through all the centuries, "We are prohibiting what we believe to be desirable in the life of young men, we are enforcing rules that we inwardly repudiate, solely in order to keep the treasury full?" If such a bargain is struck, will we not soon have the announcement of other millions to other colleges on condition that free trade or the doctrine of evolution or the higher criticism shall never be taught within those walls? What a superb victory would it be for academic freedom, for the triumph of soul over materials in education, if just now it could be forever settled that no wealth, however great, can purchase power of control in our colleges! Those who give to an institution should trust it to unfold its own life. They should endow it, if at all, in the spirit of generous confidence, realizing that a living organism must develop from within, and must remain intellectually and socially human and free if it is to serve the republic.

Have we spoken critically this evening? Who have clearer right to point out weaknesses in education than those who are giving their lives to its service? Thousands of teachers fully realize the truth of much that I have said and are striving daily to put it in

practice. Never before, I believe, was the training of youth so effective, all things considered, as it is today. Our system of education is worth attack. Steadily abuses are being corrected, the shadows are departing, and the sun rises.

Not by eastern windows only,
When daylight comes, comes in the light,
In front the sun climbs slow — how slowly!
But westward, look! the land is bright!

Friday morning, October 18

THE PROVINCE OF A MUSEUM OF ART IN A SYSTEM OF PUBLIC EDUCATION

SIR C. PURDON CLARKE F.S.A., DIRECTOR METROPOLITAN MUSEUM OF ART, NEW YORK CITY

The Metropolitan Museum of Art, of New York, occupies a peculiar position, and one which must be fully understood before any attempt should be made to define its relations and duties toward the State, the city and the public.

Originally a private institution, its collections — principally pictures — were housed in a private residence, and supported by a society of gentlemen whose principal object was to elevate the masses by interesting them in the study of art. Art, a word which, although one of the shortest in our language, yet contains more disputed meanings than any other in our full vocabulary.

So warmly was this museum movement supported by gifts and bequests, that these gentlemen were compelled, in 1871, to claim assistance from the municipality of New York towards the housing and care of the collections, beginning with a red brick building in Central Park covering 103 feet by 235 feet (24,205 square feet), finished in 1879. A few years later it was found necessary to ask for further accommodation, and last year a plan was approved for the extension of the building north, west and south, so that when finished it will be one of the largest in the world and enjoying, even at present, the largest endowment of any similar institution. The buildings, past and future, are provided by the municipality, and, when completed, will have cost over \$10,000,000. The cost of maintenance and salaries of the staff is also met by the city up to a sum of \$200,000 per annum; both large sums, although only in due proportion to the \$6,500,000 endowment due to the munificence of private people who, in addition, presented collections worth several millions of dollars.

When called upon to undertake the direction of the Metropolitan Museum, I was not aware that the State had any claim to influence the policy of the board of trustees in the development and accomplishment of the museum collections. Nor to the present has any indication of such a claim been made, but from several quarters

I have been asked to engage the museum in obligations with respect to teaching organization, and it is for this purpose that I accepted this opportunity of publicly stating how far I was prepared to recommend to the trustees that certain facilities should be given to professors and public instructors, always without detriment to our general scheme for the development of a great museum.

A glance at the museums of Europe shows that in the principal capitals there is a vast amount of wasted effort in the matter of museum organization, and that, owing to the want of sufficient forethought, each city is supporting several museums, where one would well serve all requirements. But in each case the same history is repeated, an original government museum directed by erudite savants of great reputation amongst their own circle of friends and enemies, but wholly out of touch with the people, and often distinctly antagonistic to the modern art craft trades, which in any way are engaged in the manufacture of the same class of object, as to whose history they have devoted a life study, and with respect to some people of antiquity hundreds, or even thousands, of years ago.

In England the government was, most reluctantly, forced, in 1856, to create the Industrial Art Museum at South Kensington as the depot for art examples of all periods for the use of the Government School of Design, and, afterwards, extended to the art schools, now over 300, scattered throughout the United Kingdom of Great Britain, Scotland, Ireland and Wales.

Germany followed, and about 10 years later the Kunstgewerbe Museum, of Berlin, was organized, and, similarly, at Vienna — already possessing a museum of antiquities — a Kunstgewerbe museum was established, closely followed by a Handels, or trade, museum, in order to include modern works of art which the esthetic susceptibilities of the Kunstgewerbe Museum officials would not accept. In parenthesis, I may add that a few years back, at the death of the director of the Kunstgewerbe Museum, Herr von Scala, the director of the Handels Museum, was appointed to succeed him, greatly to the benefit of the Kunstgewerbe Museum.

In England the South Kensington Museum, founded in 1856, went through a checkered existence, the successive directors, all actuated by broad principles, having to maintain a constant war with the ruling administration, the Council, now the Board of Education. The same difficulties respecting the illustrations of modern art (always opposed by academically trained museum

officials) were surmounted by the making of a branch museum at Bethnal Green, the Bowery quarter of London, the center of the furniture manufacturer's trade, where was sent the cabinet by Fourdinoie, the masterpiece of the French Exposition of 1857, and probably the finest example of cabinet work ever made in any country.

In France the want of an industrial museum was felt as early as 1865, and several gentlemen of wealth and position associated themselves to purchase examples of art work of all periods, preferably the 18th century, when art in France reached its zenith. It required 40 years to obtain proper government recognition, and in the year 1905 only, were the superb collections of the Musée des Arts Decorative installed in the north wing of the Louvre under a separate administration directed by one of the original founders, M. George Berger, whose early training was greatly influenced by his research work for the South Kensington Museum in the sixties.

Returning to England, I can instance the further want of forethought in the government's dealing with its national collections of paintings, where narrow-mindedness has ruled to such an extent that the picture galleries at South Kensington, presented by W. Sheepshanks, the National Portrait Gallery in Trafalgar Square and the Tate Galleries at Millbank, all contain collections, which, if united together with the National Gallery and the Wallace Collection, would equal any of the galleries of Europe; but the opportunities were lost through the want of sympathy of the ruling powers of the National Gallery with each of the great private collectors, who were thus forced to bequeath their collections as separate units to be kept apart from the National Gallery forever.

Of all these institutions, so far as I am aware, the South Kensington is the closest in touch with a government educational system, although its scope is limited to giving assistance to several hundred art schools by the loan of art objects, or rather reproductions of standard works and photographs of the same, as original objects can only be lent (except under very exceptional circumstances) to such institutions as possess a public gallery always open to the public. No attempt is made to interfere with the direction of the teaching in any one of these institutions, but, as far as possible, to supply their wants in every class without considering whether the objects they select are of good or bad style.

On the broad principles of educating the public by esthetic influence rather than by actual instruction, very generous loans of

original objects are made for a period of twelve months to every local museum in the United Kingdom, where the authorities have sufficient space and are able to undertake the responsibility of the charge. Of these there are 90, some few being attached to the government school of art of the town or district. Another department has gradually, and without any government origin, been established, and this is a large collection of stereopticon slides of objects in the museum, which are available for loan to the various institutions, museums or schools, and these are very largely in request by art masters and lecturers, who obtain them on loan by paying half the cost of postal carriage to and from London. Unfortunately this great museum has to the present no definite scheme for the arrangement and classification of its collections, and is precisely in the same position as the Metropolitan Museum of Art in New York, which halts between two schemes, each good, although thoroughly antagonistic to the other. The first is that which the educationist naturally favors, and is purely historical, and, therefore, necessarily geographic. In this the collections are divided ethnographically and a series of separate museums are formed, each illustrating the art history of a race or country, and quite independent of the similar contemporaneous arts in each period. This is also favored by the esthetic party as the art works of the respective countries can be arranged to harmonize, and the student of the history of the special country is not shocked by the intrusion of the works of another people.

The other, and to my mind the greater system, is the economic or technical, where the great art industries are segregated into collections which in each craft commence with the earliest known works of man and show the growth of the art craft through all the ages. This alone satisfies the designer and the craftsman, and its educational influence over the casual museum visitor is deep and permanent. In all the art crafts we have the same history — man's struggle for mastery against the forces of nature — and in a collection of pottery, commencing with the rude earthenware of pre-historic man down to the exquisite porcelain of China in the 17th, and of Europe in the 18th century, and carried on to the present time, we see a series of triumphs in which man finally rivals, if not exceeds, the works of nature.

The two systems can not well be carried out simultaneously, as the class of museum officer required in each must receive a different training, and even possess a different temperament of mind. The first deals only with the past, and the highly trained student is

generally jealous of any modern attempts to rival its historical treasures. The second, the technical student, has no boundary to his horizon, and he regards his craft examples wholly as models containing inspiration for future victories in the special art which he knows is still growing and capable of indefinite expansion. From the practical point of view such a museum justifies public maintenance, as it not only sets a standard by which all those engaged in the art manufactures are raised in their knowledge and taste, but it also elevates the taste of the general public, who are thus educated to appreciate the higher level and to accept nothing inferior in standard.

Both systems can be equally useful to the educationalist, and even the present arrangement at the Metropolitan Museum, which is a jumble of the two, can be utilized with advantage, so far as it is fairly perfect in the illustration of any one people or craft.

Our sympathies naturally go with things we understand, and here the museum is a connecting link between ourselves and the past, as it opens up to our view the origin of objects of daily life with which we are now surrounded, and in which each has been arrived at through countless improvements, one by one, the effort of man in trying to do better than his predecessor. But to indicate or propose a system of instruction I fear would be a serious task for me to attempt. First of all, I am not interested in any but the requirements of the art educationalist, where the golden principle should be absolute freedom from controlling dogma of all kinds, and to throw open to the student the whole field of art history, illustrated by examples of all periods, good or bad.

The utmost I can do is to indicate how those engaged in education may utilize the museum, without demanding help from the museum officials, whose time is more than fully occupied in the duties of their several sections, their principal work being the preparation of suitable catalogues, after properly classifying and arranging the examples contained in each. These catalogues, in some cases, and should in all, commence with an introduction showing the historical development of the art contained in the section, and this has been accomplished in about 12 sections. Later on, I intend to prepare abbreviated catalogues, which will convey such information as will enable the principal features in each section to be distinguished at once, and these will form a key guide to the more serious literature of the larger handbook catalogues. Then a course of lectures will be organized on the collections, and these should be prepared from different points of view; the esthetic, the

social historic and the technical, which should be also historical, as to know and appreciate the works of the past is our only guide in improving the present and our way to greater perfection in the future.

In the early records of the South Kensington Museum, we find that rules were laid down for guidance of the purchasing officials, and these very wisely contained an order that, whilst no limit should be placed on the number of objects of any class illustrating a good period in art, yet care should be equally taken to secure a sufficiency of examples to illustrate the various periods of decline, in order that the student might study the causes which lead actually backward while the artists and the public were satisfied with the increased perfection of technic in one form or the other, which they mistook for increased improvement in art.

I am old enough to remember the first of the world's great fairs — the London Exposition in 1851, and that of 11 years later, again in London, in 1862, when Europe was congratulating itself upon the remarkable progress made by all countries in all the fine arts — in many cases a revolutionary change. Paris, in 1878, showed France beginning to free her art from traditional forms. This was continued in 1889, and in the last great exposition of 1900 l'Art modérn reached its hight.

This affords me an illustration of the difficulties in museum direction when the museum is under the control of an education department. In 1900, one of the members of the jury, a leading expert in medieval art, offered to place \$20,000 at the disposal of the South Kensington Museum, in order to secure typical examples of the new art movement, although from his training and personal feeling he was quite opposed to it. Selections were carefully made, including the best work from Nancy, which seemed to be the French center, but when the work came to London a protest was made by the extremists among the art advisers of the Board of Education, and the collection, although very popular, was carted off to the Museum of Bethnal Green, a distance of about 7 miles, and, although the city of Birmingham insisted upon the loan of this collection for some weeks, other cities were warned off. Possibly in the new buildings, when completed, wiser councils will prevail, and this collection, marking a distinct epoch at the close of the 19th century, will take its place with the examples illustrating the history of art.

In conclusion, I may say a few words upon the title of my paper, "The Province of a Museum of Art in a System of Public Edu-

cation," and this will require very few words, for, in my opinion, a museum of art should play the same part as the great library, but substituting actual objects for books. More is not to be expected of it, but it is absolutely necessary that a good system of classification and catalogues should make every object as accessible as any one book out of several hundred thousand in a public library.

GRAPHIC ART AS A FACTOR IN PUBLIC SCHOOL EDUCATION

HENRY TURNER BAILEY, EDITOR THE SCHOOL ARTS BOOK, FORMERLY
STATE SUPERVISOR OF DRAWING FOR MASSACHUSETTS

From a consideration of the museum, stored with the priceless treasures of the race, we turn to a consideration of the public schools, stocked with the more precious problems of the race.

In the consideration of the topic, announced for this hour, it seems to me best to think first of the character of this factor in public school education, and then of the influence of this factor, for so we may arrive at something like a just estimate of graphic art as a factor in public school education.

To show its character I have chosen a few samples of drawings which have been submitted to me at various times and from almost every State in the Union. These drawings represent the work of children in every grade of the public schools, including the first year in the high school.

Graphic art in the public schools at the present time begins with illustrative sketches representing experiences which the pupils have had. The work is originaive, not from the model but from memory. Further use is made of these memorized, visualized objects in the illustration of folklore, Mother Goose rhymes, stories etc., and it is carried on not merely with the pencil and crayon but with the scissors.

And not only are the figures of common objects, animals etc.. introduced, but very early the children are led to observe nature as she appears in landscape. They represent such subjects as a tree at sunset, trees as affected by rain, views of buildings seen against a sunset sky. Then they illustrate a line of poetry involving natural features, — the water, the winds, the sky. Then comes perhaps a decorative composition in color illustrating some caption or title.

This is supplemented by a closer observation of nature and the representation of plant forms. They study to represent the growth and movement of the plant, the colors as well as the forms of flowers; first very simply rendered by a flat wash, a record of the local color of the flower as a whole, then with varied washes representing the aspect of the flower as seen under normal conditions.

The work then passes on to more difficult problems dealing with the third dimension, hence involving perspective factors.

Early in the grammar grades the pupils begin to more critically observe all these things and through representation by means of the point — usually the pencil — to show the articulations of part to part, the varied contours of the leaves as affected by curling, as affected by insects, accidents in the life of the plant; and to suggest something of the grace of line and quality of texture in the parts.

Along with this goes the representation of artificial or manufactured objects, the pupils in the primary grades beginning with their Christmas toys. Objects of pronounced shape and erratic character are more easily represented by children than the more commonplace objects, hence these are studied in the lower grades. In the upper grades these are supplemented by objects involving perspective, like a box or a book, groups of still life, etc.; and these are represented not merely in outline in pencil, but in light and shade, and in color.

The pupils are required also to observe and record living things in action. To catch these almost instantaneous impressions demands a still closer observation. Thus a steadily increasing demand is made upon the pupils' powers from the first grade to the highest.

In addition to this direct study of objects, and this direct graphic representation of objects, there are courses which take up the second feature of graphic art, as noted in the introduction printed in your program, namely, courses having to do with the receptive faculties. We have courses in appreciation — the study of the work done by those who have gone before. Reproductions of the masterpieces of art are studied and utilized as illustrative material, and under the inspiration of this graphic representation of objects and this study of the reproductions of artists the pupils in the upper grades illustrate their school papers in geography, history and literature and produce really excellent handiwork, such as a pamphlet on the Sistine Madonna, a composition on Robert Burns, a booklet on Japan, or on the Revolutionary War, where reproductions are utilized as illustrative material supplemented by pictures and diagrams where the pupil's power of graphic representation has been drawn upon.

Instead of having the children learn 25 words from a book some teachers make use of pictures and sketches even in the spelling lesson. They ask their pupils to draw some object from memory and to make that drawing the basis of the lesson. Others teach English grammar in a similar way. Their pupils make or collect

illustrations, and from these the different topics are taught, so that grammar becomes a new and illuminated topic no longer dry as dust. Under the inspiration of graphic representation geography, history, and English composition have been transformed.

So much for the character of graphic art in the public schools. I thought it might do no harm to stir up your minds first by means of these illustrations that you might be assured of the fact that graphic art in the public schools is no longer the copying of spheres and cylinders and cubes in outline.

We will proceed now to consider the influence of this work where it is well done. Wherever it is well done, its influence is fourfold.

First, it tends to develop the power to see.

The average man sees imperfectly and images dimly. As Professor James says: "His images have broad fringes." He can not tell, for example, where the ordinary Roman letters are shaded, nor the shape of his own boot, nor the color of his friend's eyes. His observation with regard to all material things is loose and unreliable. As Walter Smith used to say: "Unless he has a trained eye, his testimony in court concerning any material fact is not to be trusted." As Asa Gray used to say to his students when studying sedges: "Unless you draw, you will not see." "A pencil is one of the best of eyes," said Agassiz. Graphic representation helps to focus the eye upon the object, as the thumbscrew focuses the camera, or as an adjusted lens corrects defective vision.

Clearer vision of natural objects enhances one's enjoyment of nature and enriches the content of life. All contours of leaves, the articulations of plant structure, the curves of unfolding petals, the delicate mottlings of insect wings, the grooves of shells (which Tennyson called "miracles of design"), the lines of health and movement in birds, in animals, and in the human figure, the subtle tints and shades, sharp glints and darks, which objects present to the eye under sunlight, the exquisite gradations of tone and hue not only in objects everybody recognizes as colored, but in the gray and uninteresting features of anything, become sources of keen pleasure to him who sees with trained vision.

For lack of the close observation which a training in representation would supply, the average man has no clear images of his own with which to read or think. Consequently the stimuli which cause a satisfactory reaction in his brain must be intense. His music must be brass band music, his color thrill can come only from a gorgeous sunset or the Berkshires in October. His news must be served up by yellow journals in flaring headlines and dramatic

pictures. He can be reached only by colored posters, and advertising signs 10 cubits high. His recreations even must be highly artificial. At the coast the sweep of sand and sea, the blend of the dim horizon, the grace of the breaking wave mean so little to him that he must plant on the crest of the beach his merry-go-round, his roller coaster, and all the other noisy and vulgar attractions a perverted ingenuity can invent. The majesty of Julius Caesar and King Henry as they walk through Shakspeare's printed pages, and the calm beauty of the old king who wrote the Shepherd Psalm, are lost on the man whose power of imagination is atrophied. He must have, instead, the noise and the glitter, the reality and the vulgarity of the vaudeville.

The importance of clear-cut, three dimensioned images for the imagination and the reason to use can scarcely be overemphasized. The minister who reads the matchless words of the Bible in droning fashion so reads because he *sees* nothing. Booth, Jefferson, any man with power of imagination could not read that way. The man who fails in business or in the social world fails largely for lack of "grasp," as we say, the power to image and forecast conditions, to see through to the other side of the problem, to hold the totality clearly in his mind and read it through and through. As Dean Shailer once said, "The value of drawing in all departments of science, not only as a language but as a discipline of the mind, can hardly be overestimated. Many students entering Harvard University can think in one dimension, some few in two dimensions, but those who can think in three dimensions are exceedingly rare." Every department of human activity offers unlimited opportunity to men of vision.

But in the second place the study of graphic art as pursued in the schools develops the power of expression.

It is unnecessary to review in detail the value of this power in almost every human occupation. In a conference at Harvard University on the relation of the high school to the college in 1903, President Eliot said: "I have recently examined all the courses offered by the university, and I find but one (the course in theology) in which a knowledge of drawing would not be of immediate value (and even there I think it might help in some cases). The power to draw is greatly needed in nearly all the courses and absolutely indispensable in some of them. A very large proportion of studies now train the memory, a very small proportion train the power to see straight and do straight, which is the basis of industrial skill."

Whether a carpenter remain a carpenter or become a foreman or contractor depends largely upon his power to read a working drawing. Whether a machinist remain a machinist or become a master, depends largely upon his power to sketch his ideas of mechanical construction. Whether a printer remain a printer or become a designer of fine printing depends largely upon his power to lay out a job with his pencil. The advancement of any one in his profession—of the designer, the illustrator, the architect, the house furnisher, the landscape gardener, not less than the painter and the sculptor—depends primarily on this power of graphic representation by means of line and color.

But aside from this fact, there is in the mere power to express oneself graphically a source of legitimate pleasure not to be despised. The craving for self-expression is universal and insistent. The love of self-expression graphically, lies at the basis of amateur photography. The pleasure which thousands of people derive from the camera is immense. Only one other group of people who enjoy nature, get greater pleasure from making pictures, namely, those who can make them with the pencil and brush; who can record what they wish to remember without recording the confusing details which encumber it. Representation is to the artist re-creation, and is accomplished with a passionate pleasure such as only those can appreciate who have had the experience.

In the third place, the practice of graphic art develops the power of appreciation.

We are the children of the race intellectually and spiritually as well as physically. The world is full of good people who in the realm of the arts are bovine. They can not tell one tune from another. They do not know a Turner from a Teniers, or a Botticelli from a Burne-Jones. They pass and repass the far descended venerable ornament exquisitely cut upon the porch of a colonial house, and know nothing of its presence, much less of its eventful history. They sit on Sunday in a church where the sacred symbols, first scratched with trembling hands on martyrs' graves, blaze forth their messages from glowing windows, or whisper them from the font and table and altar; but having eyes they see not, and having ears they hear not. The great world of art is to them a nonentity. A Latin grammar, a Greek text, an algebra, a geometry, a bank book, a mill sheet, a financial report, is the measure of their horizon, and the arc of their sky. A man submerged in business, entombed in a shop, buried in a book is an intellectual and spiritual bankrupt.

The child never attains manhood until he secures the keys to the great treasure-house of literature, music, architecture, sculpture, painting, and the other arts, which record the experience, the aspirations and the ideals of the brightest and best of those who have gone before. The work of those men is another source of pleasure and of satisfaction which the man who would live the larger and more abundant life can not ignore. Every attempt to represent a blade of grass, a leaf, or a flower, every attempt to catch the movement or gesture of any living thing, prepares the mind as nothing else can for the appreciation of the work of Dürer and Landseer, of Rosa Bonheur and William Hamilton Gibson. Every attempt to represent a tree or the sky, a body of water or the sweep of hills will enhance one's appreciation of Claude and Turner, of Corot, Mesdag and Fritz Taulow. Every attempt at illustration and pictorial composition will open the eyes to the almost marvelous skill of the old Italian masters, of Millet, Burne-Jones, and Whistler. Every attempt to put down the color of a flower, or a shell, or a spray of autumn fruit, or a spring landscape, or a moonlight night, will enhance one's enjoyment not only of the work of the Venetians, but of the rug makers of the Orient, of the potters of China and western Europe, of the great jewelers from the days of the Etruscans to the present moment, and of all those who have wrought in fabrics with the loom or the needle. All this appreciation of the work of men will send the happy spirit to nature again with keener eyes. The man of the anointed eye will see her as the artists and poets have always seen her, so beautiful that the shadow of a mountain daisy on a stone will inspire a poem; the glint of light on rind or fur or feather, inspire a picture, and the gloom of the calm night, inspire a symphony.

And lastly the influence of graphic art as a factor in public education is important because by means of it, when our pedagogical machinery is perfected, we shall be enabled to discover every particle of talent possessed by the children under our charge, and to develop it for the good of all.

The heart of man is never satisfied. We shall go on demanding illustrated books and papers, paintings to hang upon our walls, pictures spread before our eyes in the landscape, beautiful garments and jewels, beautiful temples, civic buildings and homes; and the men and women who will produce all these in each generation are among the boys and girls in the public schools of the preceding generation. The character of the art which they will produce will depend very largely upon the amount of training they

receive, and the extent to which they have been made familiar with what genius has done before them. We can not too early discover these precious vital elements and begin the salutary discipline which shall enable them to carry the artistic triumphs of the race to yet higher levels.

It seems to me especially significant that this topic should be considered in this Convocation, for, as we all know, the good work in graphic art which is now being done during the first eight years of school life suddenly comes to an end. Those who go on through the high school, the college and the university to become the leaders in the various professions and realms of art, are deprived of its salutary discipline because no adequate recognition is given to drawing in college entrance examinations. Principals of high schools throughout the country allow drawing to become a non-entity in their schools, thereby depriving not only those students who are to go to higher institutions of the culture which would come from the study, but robbing also the vast majority of other students who are to go from the high school directly to the duties of life.

The colleges need not give us "requirements in drawing;" in fact such requirements might become an added burden; but the college with its breadth of view, with its ideals and with its prestige can be of immeasurable help to the public schools, of every grade, by recognizing the value of that language which has made possible the fine arts of the world, and the quality of that culture which comes from the observation, the creation, and the appreciation of the beautiful.

Discussion

PROFESSOR WILLIAM KENT, COLLEGE OF APPLIED SCIENCE, SYRACUSE UNIVERSITY

I think that what the author says in his paper is rank heresy, in the minds of a great many people in this country who are at the head of our educational institutions. For example I heard not long ago the statement that there are too many fads and frills in the ideas of the educators of this country, and this came from head of a large institution. He said, "Drawing, for instance," and the tone showed his contempt for the subject of drawing. One of the recent reports of the United States Commissioner of Education devotes a great deal of space to Germany; and the statistics of the German schools show that in every grade drawing is considered a very

important matter. In those parts of the book that relate to the United States, I did not find drawing mentioned. In the particular college with which I happen to be connected, four years ago the entrance requirements did not include drawing, except as an elective; and in going over the high school requirements it was found that a boy might go through the high school without having learned anything about drawing; that a man might be even graduated by a liberal arts college and never have had a pencil in his hand, excepting possibly in his work in biology; that drawing was not considered a part of a liberal education; that art is not considered a part of a liberal education; that book knowledge is the thing; that the idea of a man taking a pencil and expressing himself graphically has nothing to do with education; that education belongs to words and books. The great body of educators who have made the curricula are today allowing men to go through the universities knowing nothing whatever about art. Further in some liberal arts colleges the subject of art, the evolution of art, art criticism, are either not found in the curriculum at all or else they are offered as minor electives. The courses in the classics, Chaucer, the influence and development of Anglo-Saxon, the English language, the philosophy of Kant, all these are considered to be liberal education; but anything that relates to art is not. The result is that in the United States today the people are not artistic, and I am afraid that what the previous speaker said was right, that the principals of the high schools are not educating the 95% but only the 5%. We are in the dark ages concerning education as applied to art.

What is going to be the outcome of this paper? We are all very well pleased with it and I am absolutely in accord with the author in everything he said. In the classic words, "That's my sentiments," but what good is it? It may be printed in a forthcoming report and put on the shelves of the library. Is that all that is going to be done with this paper? I regard this paper as an indictment against the Board of Regents of the State of New York. I regard it as an indictment against the presidents of the universities of the United States, as an indictment against all in authority in charge of educational matters. What are you going to do about it? Of course there is no court to try this indictment in, no district attorney to press it, no jury to pass on it, but are the educational authorities of the United States going to sit down and rest under this challenge? I say the Regents should take this matter up and consider it as an indictment, as a challenge and a charge that they have not been doing their duty in connection with

this matter of art education in the schools. I do not know much about the Regents, do not know what they are doing in this line; but if they are not experts in this subject of art education, if they know nothing about the subject, will they not at least appoint a committee of experts to take up this subject and study it for the next two years and report, with a view of having some legislative action taken. Something ought to be done about this matter. Do not let us put this paper on the shelf.

Vice Chancellor McKelway — I am sure that whether the gentleman from Harvard has propounded a new truth or attractively refurbished an old fallacy, we shall be very glad to hear from anybody on it whether in support or in controversy.

The committee that made up this program had an idea that we should not be hanged on a gallows of our own erection, but even our guests have become, and with alacrity, voluntary executioners of us. It might be suggested that an explanation of the deficiencies of the colleges and universities would require that the medium of that explanation be language, and that language could be placed in the realm of art with either pen or pencil. But that may be heresy, and remarks here have shown to us that heretics are in danger of Syracuse fire.

PRINCIPAL WILLIAM MC ANDREW, WASHINGTON IRVING HIGH
SCHOOL, NEW YORK

We seem to be left at this point of the discussion with the idea that there is a great deal of ignorance as to what the State has already done in the matter of art encouragement. To your invitation, Mr Chancellor, no member of the Department in an official position has made answer, probably because the members best fitted to answer this question are not present. But it does seem as though this meeting ought not to adjourn without an attempt being made to enumerate some of the things that the State of New York has officially done in the line suggested by the discussion this morning.

If no one else will answer, Mr Chancellor, may I make the attempt, little as I know about it? It must be at least 10 years ago that we received from the Regents an elaborate and complete monograph suggesting works of art appropriate for the school-rooms. It must be for fully 10 years or more that schools receiving the Regents funds have been encouraged to expend a portion of

those funds in the decoration of the schoolrooms with works of art. It has been recognized during all of that time that as much time should be devoted to looking at art pictures, studying them and learning to appreciate them as to the manual training side of drawing. The exhibit on the fourth floor which has been referred to will give a more complete idea of the work of the Department in this direction than could be given orally here. It makes available to the schools of this State a great many stereopticon photographs, beautifully colored, depicting Egyptian art, Greek, Roman and Byzantine art, some of the most famous paintings and sculpture of the French collections and a profusion of flower and tree forms and of landscapes of great beauty.

As to the matter of actual instruction in drawing, those who fit boys and girls for the training schools must know that no one can enter these training schools without having had an extended course in drawing. I know of five high schools in New York city alone, part of the New York State educational system: Washington Irving High School, Bryant High School, Flushing High School, Jamaica High School, and Curtis High School, in which the board of education advertises courses devoting 1580 periods to drawing, art study and design.¹

There are other Regents schools that devote a great deal of attention to art. While we all look forward to the time when this movement shall become stronger, yet we do feel that the State of New York is not behind the other states mentioned in attention to this most important subject. A good many of us have been harboring the idea that New York is in advance: a leader in this direction. It is certain that the publications of the Department relating to art have been called for most extensively and circulated throughout the entire country.

Editor American Art Annual — I have come to this meeting in the hope that some step will be taken by which New York can stand in the forefront in this movement for the appreciation of art; hoping that the Regents would, from the fact that they have devoted this Convocation to the subject of art, take some steps by which a committee would be formed and the matter studied scientifically. The first state art institute in the United States was out in Utah. That was followed by the state of Minnesota, and the state of Washington has it under consideration. Is it not time that something should be done in New York? I merely sug-

¹ New York Board of Education pamphlet *Three Years Technical Course*.

gest that a committee be formed and that there should be some department of art in connection with the University of the State of New York.

Vice Chancellor McKelway — I am sure the suggestion will be most gratefully received by the Board of Regents and by those related to them in the service of enlightenment. We are administrators and those whom the State authorizes us to employ may be called originators. We shall be glad to hear from any other lady or gentleman on this subject.

Mr Bailey — The first speaker in this discussion made the statement that he had the feeling that a great many people in authority did not care for art. In a way he is right. Sixteen years of my life were spent in an attempt to bring about a different attitude toward art among such people in Massachusetts. But to my mind the whole situation is more truly set forth in an experience I once had in a country town where I had been speaking about the importance of music and art in the public schools. An old fellow came up to me and said, "I enjoyed immensely what you said, but I don't believe a word of it. We want our children trained in reading, writing and arithmetic. We want them to know how to cipher so that they won't get cheated. We don't care anything about beauty," and do you know, as I looked at the old hypocrite, I could see that he had dyed his beard before he came to the meeting! He did care for beauty, as he understood beauty. So with all these people, they do care for art, but they do not understand what art really is.

With regard to this indictment, I will confess that it is an indictment. I meant it for that. I would have made it a thousand times as strong if I had had the power to do it. It is monstrous, as President Eliot said in his address at the dedication of the Albright Gallery in Buffalo, it is monstrous that we should go on here in America as we have been going. It seems to me that of all states in the Union this State of New York, which has led in so many good reforms, ought to lead here, for you have an organized body to enable you to do it; and I want to recommend to this Board of Regents and to this convention and to whomever it may concern, that they begin to gather some of the literature on this subject. I have here a report of a meeting that was held at Harvard University in regard to securing some recognition for drawing in the entrance requirements to that university. I have here the report of an address before the Eastern Art Teachers Association a few years ago in which it is shown that in nine leading universities in this country,

having 74 departments or courses requisite to a degree, having 40 courses in which drawing is actually required and having 53 other courses or departments in which drawing would help—drawing is not required in the entrance examinations of one of these universities, and in only a few cases is it even an elective. On the average the nine universities allowed only a possible one twelfth for the value of drawing in the entrance examinations.

This report goes on to say that the colleges might well follow the lead of Leland Stanford University in this respect; and make drawing

1 An elective in all examinations.

2 A requirement for courses in biology, engineering, and fine arts.

They should require candidates to be able to draw common objects free-hand, in outline as they appear to the eye, and to make simple decorative designs. They should require the submission of sets of sheets or plates drawn by the candidate while a student in the preparatory school.

Here is a paper presented by Professor Clarke of Stanford University at Los Angeles this summer on "University Credits in Drawing" in which he sums up what he thinks ought to be the credits allowed. Here is also the report of a committee presented to the Western Drawing Teachers Association at Cleveland last spring in which there is a recommendation as to what the colleges ought to require or to allow.

It would seem to me, I repeat, that this Board of Regents or this Convocation or some institution in this State of New York ought to lead in this matter of recognizing the power that comes from a thorough training in drawing.

The first speaker made one remark that reminded me of a riddle bearing upon this matter of the power of learning through doing aside from a knowledge of reading and writing. The riddle runs, "Do you know the difference between the barons who signed Magna Charta and the members of the present American Senate?" and the reply is, "Not one of those barons could read or write, so each made his mark; all the senators can read and write but not one has made his mark."

Assistant Commissioner Augustus S. Downing—It has just come to my attention that a question has been raised in regard to the position of the Education Department upon the subject of drawing and of art generally. I have had a good many years' experience in connection with the growth of this subject in this State, and having

been its champion when it most needed champions, I can therefore speak authoritatively for the subject of drawing and what the Department is doing, with a perfect belief that New York State has led the other states for a period of 20 years in the matter of art and in the study of drawing. We require for admission to the trainings schools and to the normal schools of this State an extended course in this subject. I would like to tell you just what this is and why it is. We have been criticized for having done as we have, not for our delinquency but for our persistency in demanding this subject. We require that drawing shall be given through four years continuously. For a while one year's drawing or two year's drawing satisfied the Department, but this no longer satisfies and we require that this subject shall be continuous throughout the four years. Students must show during these four years the completion of a course covering at least 228 hours, because we hold with the advocates of art and drawing that educationally it must be a continuous study if students are to get from drawing what it is intended they should get, namely, culture, breadth of knowledge and appreciation of art. We have said for years that drawing is an essential study and that it is necessary that the children shall learn to make straight lines, that they shall be able to sketch, that they shall be able to draw and make designs. We admit at once that a student may not be able to draw much better at the end of the second year than at the end of the first year; that he may not be able to design any better at the end of the second year than at the end of the first year, and if it were simply a question of passing an examination in drawing, that they could complete all the work necessary and pass the examination certainly by the end of the second year. But we feel that passing examinations is not the sole purpose of drawing and of art in the schools. The Department takes the position that this is not even the main purpose of drawing in the schools, but holds that if the appreciation of that which is best in art shall grow, he must continue the study during his third and fourth year; that there shall be a high school course in art that shall deal not only with the technical side of the subject, but that shall deal as well with the cultural side; that students shall study the works of the masters such as Raphael and Michael Angelo and know them and that it shall not be simply knowledge of a name as it is in literature in many cases. We hold that a high school course in drawing shall do more than simply teach a boy to draw and make pictures and sketches—that it shall grow his soul, if I may put it that way, and that when he

goes out of the high school he shall know something of art. You find homes all over this State and country filled with cheap stuff that is not fit to put on the walls, simply because the men and women who put it there never had any training in the schools to enable them to distinguish between the good and the bad in art.

I have stated briefly and hastily what the State is doing and the only criticism made against it is that we are too exacting in this matter. We are contending all the time on the floor of conventions and by letter and with private individuals that our requirements in art, while they may be in advance of other states and in advance of what the schools have been doing, are not in advance of what is right.

The gentleman referred to two syllabuses issued by this Department. In order to encourage this work we have made not only a syllabus in art for the high schools, but we have made a syllabus in drawing for the eight grades of the elementary schools. It came to our knowledge last year that because there was no eighth grade examination in drawing, many of the elementary schools were not giving to their pupils any instruction in drawing but were waiting till those children should go to the high schools to get that instruction. The result was that the teachers of drawing were discouraged, and the Department said, "You can announce throughout this State that there will be given not later than next June an eighth grade examination in drawing, because the Department believes that drawing should begin, not in the high school when the habits of the children are formed and their tastes perverted, but that it should begin in the lower grades and go on through the high school." The question arose whether drawing should be required for admission to the high school, and it was decided that this could not be done just yet because all the schools were not ready for it, that we would give an eighth grade examination as an encouragement and when the schools are ready to demand that drawing shall be a requirement for admission to the high school and for the payment of nonresident tuition, we are ready to make the requirement but we can not go too rapidly. I was greatly surprised that anybody should question the progress of New York in the matter of art, because the criticism is that we are too progressive in this matter. We have no defense to make. It is a matter of joy and pride that we are doing so much and it is a matter of regret that everybody does not know how much we are doing.

Mr Bailey — I intended to say that there is no state in the Union where better work is done in the elementary schools, but what are the colleges doing to foster this work?

Mr Downing — For two years we have been doing our utmost to find somebody who is willing to put the money into it, to make a book for high schools on the subject of drawing and art as there is not such a publication in existence today. For two years we have been laboring to induce these artist friends of ours to produce a book which shall deal with the subject of art from the high school standpoint. We have done everything we could. We say, you must pass a general examination in drawing in the high schools and we will give you three credits toward an academic diploma; then if you want to take advanced drawing we will give you three more credits, and then if you will take either mechanical or architectural drawing we will give you two more credits, making eight in all toward a diploma. We have been begging these people, and Dr Goodwin has been working along the same lines, to put their efforts into a high school book that shall be worthy of the name and that will enable high school teachers to give their students an advanced course — not just technical drawing, the making of lines and pictures, designing etc., but that will give them something of the cultural side of drawing, so that the high school students themselves will know what is really to be found in the study of this important subject. If the gentleman will lend us his labors in the making of such a book the subject will go faster than it is going now. The art teachers have been derelict in this matter.

Professor Kent — In regard to that indictment, I am willing to accept a verdict of "Not guilty, but don't do it again," as I recognize that the Regents have done a good deal in the way of a beginning of art instruction. I have also obtained from the attorneys for the defense the statement that they have not been able to obtain a book for teachers of drawing in the high school, and that therefore drawing has not been taught as it should be. I think that only adds to the indictment. If there is no such book in the market the Regents should employ some one to make a book. I wish to apologize for having injected this indictment into the discussion and put the Board of Regents on the defensive. I wished particularly to have this paper taken up and discussed as to whether it is right or wrong, and to ask that a committee be appointed to study it and report in detail as to how art should be studied in the public schools. I hope the Regents will take up that paper and be able to tell us next year what they have done about it.

Regent T. Guilford Smith — The president of Alfred University alluded to the fact that there is at that institution a state school of ceramics. I am inclined to think that at the time it was estab-

lished several years ago it was the only state school in existence, and as I had something to do with the establishment of the school I feel rather bound to defend the Regents from the apparent slight which the gentleman from Syracuse evidently did not intend. You may recall, Mr Chancellor, that when the matter was brought to the attention of the Regents I was gratified to get the unanimous approval of the Board to the attempt to found a state school of ceramics. This attempt had previously been unsuccessfully made in New Jersey and afterwards in Ohio, but it remained for New York State to make it a success. This is because there was appropriated annually, thanks to the late Governor Higgins, \$5000 to support this school, and an initial appropriation of \$15,000 to start the plant. The school has been in existence now quite a number of years and has met with great success, and I think this is due mainly to the fact that they have succeeded in obtaining as director of this school a grandson of the original Royal Worcester Pottery of England superintendent, Mr Binns, who came to this country at the suggestion, I believe, of the New Jersey pottery at Trenton. The Legislature of New Jersey, however, were not willing to spend the amount necessary, and from New Jersey Mr Binns came to us.

I have visited this school more than once. They have about as much as they can do in the practical application of the graphic art, and in the gallery upstairs can be seen an exhibit of the pottery products of this school and they are good evidence of what has been done. I think last year they had 47 students. This year they opened with 35, and the director reports that he is unable to leave to come to this Convocation as he is too busy. Ohio, New Jersey, Illinois, and other states are now following the lead of New York; and furthermore are employing the students of this school to give instruction in the graphic art and its application in all these states. New York therefore has a recognized leadership in this department of education, through the establishment and maintenance of the New York State School of Clay-Working and Ceramics at Alfred University. That is certainly an illustration of the practical application of the graphic art in this State and it would never have been attempted except it had the unanimous approval of the Board of Regents.

Vice Chancellor McKelway—I do not think it would be dignified for the University of the State for which this Convocation stands to invite a distinguished member of the faculty of another university to come here and express his thought, and hav-

ing received an acceptance and a free expression, to hold a post mortem inquest on his ideas. I believe that only the general subject should be brought to our attention, and that it has been. We all know that every member of the faculty in every university believes that his particular chair is the whole thing, that the others are subsidiary, auxiliary, dispensable and superfluous. We encourage that feeling. It is right for a man to be as intense as the actor whom Edwin Forrest spoke of, who when he played Othello "blackened himself all over so he could feel the part." I am sure we do not wish to criticize that. We wish to welcome you, we wish to learn, we wish to be taught; and when this distinguished gentleman came here to teach us, we found that a misconception of facts had impelled the hand of a New Yorker and a Syracusan to impale us on the blade of an erroneous statement. I suggest now that under the careful pilotage of the no longer discredited members of our staff, our guests might, on their way toward heaven, where art is perpetual, proceed in that direction as far as the fourth floor of this building.

NECROLOGY

REPORT OF COMMITTEE, SUBMITTED BY C. W. BARDEEN, SYRACUSE

The year has been especially marked by sudden and violent deaths. On May 4, the body of Ernest Wilson Huffcut, aged 46, dean of the Cornell Law School since 1903, and private secretary of Governor Hughes, was found in the early morning on the deck of the night boat to New York. He had seemingly everything to live for, yet he had committed suicide by shooting with a revolver.

August 26, on the beach near Los Angeles, Edward H. Jewell, for 15 years professor of pastoral theology in the General Theological Seminary of New York, committed suicide by cutting his throat in the presence of many spectators. He was 77 years old, and had been deeply impressed by Dr Osler's theory.

On January 21, William W. Murray, superintendent of manual training in the Mechanics Institute, Rochester, ended his life by suicide, presumably from overwork.

On July 8, Margaret Sullivan, reelected primary teacher at Chatham Center, committed suicide.

On July 25, R. H. Halsey, principal of the Oshkosh Normal School, and superintendent at Binghamton 1896-99, was killed by an accidental shot from a revolver his son was cleaning.

On Christmas, John E. Myers was found dead in the board of education rooms, Auburn, aged 63. He was principal of the Auburn High School 1867-78, and superintendent at Plattsburg 1878-82. At the time of his death he was president of the Auburn Board of Education.

On March 10, Dr George T. Church was found dead in his office in Brooklyn. He had been superintendent at Middletown and at Saratoga Springs.

On February 25, Principal William Carl Hess of no. 30, Manhattan, fell upon the ice, striking his head upon the pavement, and died before midnight.

On February 16, Jessie Joubin, supervisor of music at White Plains, was killed in the New York Central accident at the Bronx. She was returning from an interview with Walter Damrosch, who had praised her voice and told her she was fitted for opera.

On July 27, Lida M. Bennett, teacher in no. 19, Utica, lost her life through the burning of the steamer Frontenac in Cayuga lake.

On June 8, George Frazer, aged 42, a teacher in no. 44, New

York city, and on June 21, Mary Reilly a teacher in no. 91, were instantly killed by being run over by trolley cars.

On February 11, Principal John L. Mason of Downsville died suddenly in the school building, of hemorrhage of the lungs. He had resigned and had just concluded the last day he was to teach.

May 15, Lynn B. Clark, for five years principal at Cape Vincent, and under contract to teach in New York city, died suddenly, of typhoid fever.

September 3, Gaylord P. Clark, aged 50, dean of the Syracuse Medical College, a man much beloved by all who knew him, died after an illness of 17 hours.

September 27, Principal R. S. Bradbury of Kenona, a man of fine physique and seemingly in good health, died in a few hours after a sudden apoplectic stroke.

Of those whom death has approached with less violence, one who died aged 87 began his life work when he was 70, President George H. Ball, who died February 20. For 40 years he was pastor of a Buffalo church, and he was 70 years old when he undertook the founding of Keuka College, to which he gave the remainder of his life.

Francis Miles Finch, who died July 31, 80 years old, had been dean of the Cornell Law School and for years its most trusted adviser, and used to complain humorously that though he had been justice of the Court of Appeals he was known best as the author of *The Blue and the Gray*; but we may well believe that in his heart he was gratified that it fell to him both to write the songs of the people and to interpret its laws.

Three early teachers of the Albany Normal, who became distinguished elsewhere, have recently died. On August 15, William Franklin Phelps of the first class at Albany, and organizer of the model school, died in Duluth, aged 85.

George W. Plympton, who died September 11, taught in the Albany Normal 1853-56, and entered the Brooklyn Polytechnic in 1863, where he was for 42 years professor of physical sciences, and the best known civil engineer of his time.

Madison Babcock, who died December 28, was an Albany Normal graduate who had held many high educational places in the west, including the superintendency of San Francisco.

Among college men we note these deaths:

August 26, aged 60, Oren Root, till recently professor of mathematics in Hamilton College, following in the footsteps of his father.

He had a wide career as teacher and preacher, and had been a frequent speaker at the meetings of the Convocation. He was a man of powerful and healthy influence.

November 11, aged 74, Henry Martyn Baird, professor emeritus of Greek and since 1902 dean of New York University.

March 9, aged 56, John K. Rees, for 21 years professor of astronomy in Columbia.

In May, aged 46, Roswell S. Hill, formerly for eight years professor of painting in Syracuse University.

Among normal school teachers there have been these deaths:

February 22, aged 61, Warren Mann, teacher of natural science in the Potsdam Normal since 1874, and an influence upon every graduate for true manhood and true womanhood.

September 20, Mrs Sarah Fletcher Bliss, a teacher in the normal schools of Albany, Geneseo, Cortland, Plattsburg, and of the training class at Saratoga Springs, and in Purdue University.

In the high schools we note these deaths:

In April, aged 64, L. F. Robbins, principal of the Rensselaer High School.

November 13, aged 82, Cornelia Mason Johnson, an Albany normal graduate in 1846, and for 28 years preceptress of the Watertown High School.

September 5, aged 83, Alanson Wedge, former principal of several schools in Chautauqua county, and Philo P. Edick, former principal at Chittenango, Syracuse, Oswego, Catskill, and Ticonderoga.

July 4, Charles Bartlett Warring, principal of the Poughkeepsie Military Institute 1863-1901.

March 31, aged 86, William Godfrey Crosby, for several years teacher of languages in Canandaigua.

May 22, George I. Lincoln, for 12 years superintendent of the Thomas Indian school.

Of New York city principals, Andrew J. Whiteside of no. 69, died October 24; Martin H. Ray of no. 51, on December 11; Charles DeForest Hoxie of no. 19, on February 7; James Cusack of no. 17, on May 25; Frank L. Johnson of the Brooklyn Training School, on August 15.

The following principals who have died had been also school commissioners:

March 9, Foster L. Backus, former principal of Clinton Liberal Institute, and in later life an eminent Brooklyn attorney.

September 18, Edward J. Owen, former principal, and son of the Professor Owen whose Greek texts were once so popular.

October 15, David Decatur Darius Dewey, graduate of the Albany Normal, and 10 years a teacher in Albany Academy, and school commissioner in Franklin county.

February 6, Dan S. Griffin, former school commissioner in St Lawrence county.

May 10, aged 44, John H. Murray, school commissioner in Cortland county.

Friday afternoon, October 18

THE PLACE AND PURPOSE OF MUSIC IN PUBLIC SCHOOLS

FRANK DAMROSCH, DIRECTOR OF THE INSTITUTE OF MUSICAL ART,
NEW YORK CITY

Seventy-five years ago efforts were first made in Boston to introduce the systematic study of vocal music in the public schools of that city. At the instigation of the Boston Academy of Music of which Lowell Mason was a founder and its leading spirit, the school committee made a thorough investigation and a report based upon its study of the subject in 1837 presents the matter so clearly and understandingly that it may be of interest to introduce it here.

The views expressed are those which advocates of musical training in schools still hold today and according to which the work in music is carried on.

After mature deliberation and a careful scrutiny of arguments and evidence, the committee are unanimously of opinion that it is expedient to comply with the request of the petitioners. They are well aware the cause which they support can find no favor from a board like this, except so far as it reaches the convictions through the doors, not of the fancy, but of the understanding.

And in regarding the effect of vocal music, as a branch of popular instruction in our public schools, there are some practical considerations, which in the opinion of your committee are deserving of particular attention.

Good reading, we all know, is an important subject in the present system of instruction in our schools. And on what does it depend? Apart from emphasis, on two things mainly: modulation and articulation. Now modulation comes from the vowel sounds, and articulation from the consonant sounds of the language chiefly. Dynamics, therefore, or that part of vocal music which is concerned with the force and delivery of sounds, has a direct rhetorical connection. In fact, the daily sounding of the consonant and vowel sounds, deliberately, distinctly, and by themselves, as the committee have heard them sounded in the music lessons given according to the Pestalozzian system of instruction, would, in their opinion, be as good an exercise in the elements of harmonious and correct speech as could be imagined. Roger Ascham, the famous schoolmaster and scholar of the Elizabethan age, and surely no mean judge, holds this language: "All voices, great and small, base and shrill, weak and soft, may be helped and brought to a good point by learning to sing." The committee, after attentive observation, confess themselves of this opinion.

There is another consideration not unworthy of remark. "Recreation," says Locke, "is not being idle, as any one may observe, but easing the weary part by change of business." This reflection, in its application to the purposes of instruction, contains deep wisdom. An alternation is needed in our schools, which without being idleness shall yet give rest. Vocal music seems exactly fitted to afford that alternation. A recreation, yet not a dissipation of the mind—a respite, yet not a relaxation—its office would thus be to restore the jaded energies, and send back the scholars with invigorated powers to other more laborious duties.

There is one other consideration to which the committee ask the serious attention of the board. It is this: By the regulations of the school committee it is provided that in all the public schools the day shall open with becoming exercises of devotion. How naturally and how beautifully vocal music would mingle with these exercises; and what unity, harmony, and meaning might thus be given to that which, at present, it is feared, is too often found to be a lifeless or an unfruitful service, need only be suggested to be understood. The committee asked the board to pause, and consider whether the importance has been sufficiently looked to, of letting in a predominant religious sentiment, independently of all forms of faith, to preside over the destinies of our schools.

And now, before proceeding further, let us consider briefly the objections which have been urged against the adoption of vocal music into our system of public education. It is then objected that we aim at that which is impracticable, that singing depends upon a natural ear for music, without which all instruction will be useless. If musical writers and teachers are to be believed, the fact is not so. Undoubtedly in this as in other branches, Nature bestows an aptitude to excel, on different individuals, in very different degrees. Still, what is called a musical ear is mainly the result of cultivation. The ear discriminates sounds as the eye, colors. They may both be educated. Early impressions can create an ear for music. It is with learning to sing, as with acquiring the pronunciation of a foreign language. Instruction, to be available, must be given while the organs have the flexibility of youth. To learn late in life is generally to learn not at all. There may be cases, it is true, of some who from their earliest year defy efforts of instruction, like those who come into the world maimed in other senses; they are, however, rare. They are the unfortunate exceptions to a general rule.

But it is said, the time spent would be quite inadequate to the end proposed; that the labor of a life is needed to form the musician. The answer to this objection is, that it mistakes the end proposed, which is not to form the musician. Let vocal music, in this respect, be treated like the other regular branches of instruction. As many probably would be found to excel in music as in arithmetic, writing, or any of the required studies, and no more. All can not be orators, nor all poets, but shall we not, therefore, teach the elements of grammar, which orators and poets in common

with all others use? It should never be forgotten that the power of understanding and appreciating music may be acquired, where the power of excelling in it is found wanting.

Again it is objected, if one accomplishment is introduced into the schools, why not another? If instruction is given in vocal music why should it not be given in dancing also? The answer simply is, because music is not dancing; because music has an intellectual character which dancing has not, and above all, because music has its moral purposes which dancing has not. Drawing stands upon a very different footing. Drawing, like music, is not an accomplishment merely; it has important uses, and if music be successfully introduced into our public schools, your committee express the hope and conviction that drawing sooner or later will follow.

It will not be necessary to follow the history of musical instruction in schools except to note two of its salient features. Firstly, its wonderfully rapid and wide extension over the whole United States since these early beginnings in Boston, and, secondly, the remarkable way in which methods of instruction, based upon correct psychological and pedagogical principles have developed, so that today these methods compare favorably with the best to be found in Europe.

In order to understand the former of these phenomena it will be better to first consider the latter. Lowell Mason based his instruction on the Pestalozzian system, by which knowledge was conveyed through the medium of the senses and through the psychological influences arising from the congenial exercise of certain faculties, not, primarily, through an effort of memory.

Upon these general principles all further development has taken place. The best thought employed in the teaching of other branches of instruction has been utilized in its application to the teaching of music, so that today any person capable of teaching reading or any other subject can, by applying similar methods, teach music. This fact has made it possible for the regular class teacher to teach music under proper guidance and supervision of an expert music teacher and has thus facilitated the general introduction of the study of vocal music. But there is still another factor which has contributed not a little towards this end: the systematic study of music has created the necessity for suitable textbooks. These have appeared in great variety and show considerable and laudable progress in the plan of instruction, in quality of material and in typography and other externals. The commercial necessity of finding as large a market for these textbooks as possible has led to a remarkable campaign of education on the part of the publishers,

a campaign which has been directed not only towards the training of teachers qualified to teach correctly according to the methods employed in the textbooks, to a limited extent, but to the education of the school authorities of practically every city, town and village, in order to cause them to recognize the value of music as a factor in common school education.

While the keen competition of rival publishing houses has sometimes developed unpleasant and unsatisfactory conditions, yet, on the whole, much credit is due to these publishers for the really good educational work which has been done by them.

It may, then, be taken for granted, since practically all public school systems of this country have introduced music into the curriculum, that its value is appreciated, that the people demand it and that its influence is beneficent. But does it do all it could do? Is its educational value, its influence on character, its power of refinement—in short its whole psychic force developed under the existing conditions?

Let us examine the relative standing which music holds among the other studies of the school curriculum, and we find that it is generally treated in a stepmotherly way. It is looked upon as an outsider, not entitled to more than cursory attention, and often compelled to step into the background in order to make way for the more "important" studies. It is classed as a "special study," yes, sometimes even as a "fad," and, as such, tolerated by some, opposed by others, but cherished at its true worth only by those who, intellectually and spiritually, stand on a sufficiently high plane to appreciate its value. And even these find it difficult to utilize music as they would like, because our school program now embraces so many subjects that no *one* subject can well receive the attention it should properly have.

It is with some hesitancy that I venture to propose my views as to the proper place and purpose of music in public schools before this august body of experienced educators, and I run the risk of being classed with those who think their specialty is "the whole thing;" but I trust there may be found at least one or another suggestion that will lead to fuller consideration of the subject.

In my opinion, the place of music in the elementary school is not as a "special study," but as a *foundation* study. Its purpose not merely to be a means of entertainment and recreation, but to be a strong influence on character.

In support of this opinion it will be necessary first to establish the main purposes of education by the State. Is this to be purely mental and manual, designed solely to fit the citizen for some occupation or trade or should it include the development of the spiritual side, the conscience, love of honesty and truth, of the good and the beautiful?

The former method has been in use for a century or more, and its results have not been altogether satisfying. If our political institutions are corrupt, they are so because the power which creates and maintains them, namely the people, as a mass, have low standards of honesty and integrity. If our cities, towns and villages are for the greater part ugly, unclean and unsightly, it is because the people do not feel the need of beauty in their lives and surroundings. If, in spite of high wages which should procure good, wholesome food, a large number of our people are dyspeptics owing to ignorance in preparing food in a palatable and digestible form, it is because our girls devote the time which might have been spent profitably in learning household duties, to cram their brains with ill understood and undigested crumbs of science.

If our people seek amusement for their leisure hours in cheap and vulgar shows, trashy literature, morbid sensationalism, it is because they have nothing within themselves which can lift them out of the monotony of their daily grind.

But these conditions have a direct influence upon character and, as the State is the people, it is of vital necessity that the character of the future citizen should be developed.

The life and prosperity of the State depends upon the character of its citizens and yet, barring the efforts of inculcating a cheap class of patriotism and the individual good influence of some teachers and principals, there is no systematic development of the moral and spiritual faculties.

It may be urged that the church and the home should supply this training; that religion is sectarian and must therefore be excluded from State institutions; that the schools must primarily fit the citizen to be self-supporting so as not to be a burden on the State. But to these arguments I would reply that the churches and homes, as a fact, do *not* supply this ethical and esthetical training except in isolated cases and in an imperfect, unsystematic manner. On the other hand there is no place in which practical ethics can be so well inculcated as in the school, where every child is thrown into relation with many other chil-

dren of equal age, with those, also, who are older and younger, stronger and weaker, richer and poorer, clever and dull; also with teachers, visitors and others directly or indirectly coming into contact with the pupils.

These supply the opportunities to learn reverence, subordination, good manners, consideration for the feelings of others, unselfishness, kindness of disposition; a sense of right and wrong and the determination to stand for and protect the right and to combat the wrong; truthfulness, honesty, the sense of duty and all other qualities necessary to form good character.

While it would be inexpedient to teach dogmatic religion in the schools, there can surely be no objection to the teaching of that which forms the basis of all religions worthy of the name—ethics. As to making the citizen self-supporting—make him honest and reliable and he will have no difficulty in earning his bread, the one with his hands in the sweat of his brow, the other with his brains, and for these and only for these should the State supply secondary and collegiate education.

But it is not enough that the citizen should be of good character. He should also be trained to appreciate that which is beautiful in nature, in art and in thought. It is that which creates in him the impulse to strive for higher things. It makes for happiness, for it leads him to seek and find within himself the higher, nobler and more beautiful qualities by which he can lift himself into the realms of the ideal. If I have dwelt somewhat long on the necessity of the development of character, it was because I believe that the undue development of the esthetic faculties and of the imagination without the firm basis of ethical training may fail to produce the desired results. But, in conjunction, these two influences will develop men and women of a type far better and nobler than can be secured by leaving these sides of human development to chance growth.

Teach the citizen to understand and appreciate the best in literature, to recognize what is beautiful in form and color and you will already have given him more opportunities for happiness, innocent enjoyment and a broader, deeper understanding of life than if his horizon were limited by the narrow confines of his humdrum material existence. But when you give him, in addition, the power to express his innermost feelings in music you give him an active force which, more than any other, will lift him beyond himself into higher regions.

Music is as necessary to the soul as food is to the body, as water is to the plant. Those who are unable to appreciate and love music are starved and dwarfed and, while they may be honest and efficient in filling their stations, they rarely know the real fullness of life. In most people the sense of music lies dormant. If it is not awakened in early youth it gradually dwindles and then dies. But if it is called forth it will spring into life more quickly than any other faculty. Let but the mother sing her child to sleep and the seed of musical appreciation will have been laid. Then let music form a large part of the school life, let it begin the day's work with joyous strains, let it relieve the mental effort and the bonds of discipline with its sweet and gentle influence, let it express the charms of nature, let it sound the praise of the hero, let it give out every joy and sorrow, every good feeling natural to the child and you will soon have given him a language which, by expressing his true inner self, will tend to make him better and happier.

No fear that his mental education would suffer from so much music. The fresh mind, the happy spirit works at its task with interest and good will. Concerted singing makes for subordination and good discipline. A chorus is the ideal type of true democracy. Each member contributes his share to the good of the whole. The individual effort may be weak and, by itself, unsatisfactory; the result of united effort is beautiful, grand and inspiring. The work of the individual may be fragmentary and incomprehensible; the chorus as a whole sways the hearer's heart with mighty strains, majestic rhythm and multichrome harmony. It may not be possible for every individual to produce by himself something that is beautiful, but is it not well worth while to assist in producing it?

If then you grant me the desirability or rather necessity of musical development in the child, the question arises, is it practicable to devote so much time to music.

I appreciate the difficulty which confronts the practical educator in formulating a curriculum. There are so many fine and good things which everybody ought to know. But, if we take the attitude that elementary education should not concern itself with the preparation of children for specific pursuits, but simply to form character, train the use of their senses and faculties and thereby making them *capable* of learning, if later they desire to acquire specific knowledge, it should not be so difficult

to devise a curriculum which would include all that is essential and permit these essentials to be thoroughly acquired.

Let us but train our children so that they can take their places as citizens in the great chorus of our republic, equipped with pure hearts, willing hands, eager minds; with love for the right, the good, the beautiful; with a desire to give their best for the good of all and with high ideals for themselves, the community, the state and the nation, and, just as in school their little voices were welded into pure, sweet harmony touching the deepest feelings of all who heard, so will the great chorus of our democracy burst forth upon the world with its message of peace, and good will, of brotherhood and unity, of beauty and divine love.

Discussion

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It is said that every Monday morning there stands up to sing in the public schools of this great country, a chorus of 15,000,000 children. Where music is regularly taught daily, as it is in most of the city school systems in the United States, from one fifteenth to one twelfth of the time of the teachers, and therefore a proportionate amount of the cost of the school system, is directly chargeable to music. For example, if the cost of the schools of Buffalo is \$1,620,000, about \$130,000 of that is directly chargeable to music. If music has been placed in the schools — as it has — throughout the country, and it costs that amount of time and money, it certainly is a fruitful topic for discussion.

I suppose there is no parallel in the elementary and secondary schools to the conditions and the handicaps under which this subject is trying to make its way. The wonder is that it has survived at all. Consider with me for a moment — and I especially, and in a most informal way, would like to address myself to the superintendents, principals and teachers present — consider some of the conditions under which music exists in the schools.

It is the one subject in the elementary curriculum in which the teachers are not required to have any proficiency whatever; in which they are not required to pass any examination or official test. Therefore they approach the subject, the great majority of them — and I speak now of conditions in the whole

country outside of Greater New York, for which the distinguished speaker who preceded me has done so much — without any special preparation for the work whatever. In all other subjects the grade teacher must make preparation and pass examinations before she commences her work; in music nothing is required of her, not even capacity for the work. In every other subject the superintendent gives valuable assistance, criticisms and suggestions. I want to ask the superintendents present how many of them feel themselves capable to criticize or make suggestions regarding the course of study in music, or the work and fitness of their music supervisors? How many feel any confidence in their own judgment concerning the selection of a music supervisor? How many know of any method by which a superintendent can be sure he is getting a supervisor who stands for anything, academically or professionally?

These conditions are not peculiar to the State of New York. Nineteen out of every 20 superintendents throughout the country know that they don't know anything about music and discreetly leave the whole matter alone! Furthermore, the person who has full charge of the music — the person to whom the whole subject is turned over — is without any official standing in the schools. Any young woman, of sufficient ambition, who can sing prettily or play the piano a little; any young man who is a "good fellow," and sings, or has written a few songs, or who is, perhaps, a good mixer among politicians — any one of these may be a candidate, and a successful candidate — for the position of supervisor of music in the public schools.

Now here is a person, practically left to himself, or herself, to select the course of study (or to go without one, which is the usual method), to take the time, and a very important part of the time of the schools, — to go in and interrupt and undermine the discipline and regular work of the teachers, principals and superintendents, without even a common school certificate. How long shall we continue to spend hundreds of thousands of dollars of the public money and much valuable time of teachers and pupils, under the sole direction of a novice who does not know the a, b, c, of the school? Why is the musical education of the great army of school children placed in charge of persons who know nothing of this art, which is, of all subjects in the public schools, the most delicate, the most sensitive to error and crude treatment, and yet the most prolific in grateful results under the hands of skilful teachers? Dr Damrosch has

shown us why. It is largely because of the old notion that music was a sort of frill or fad—something that everybody wants in the schools, although they do not know just why—something that seems to have a sort of mystic influence upon patriotism and love of home and country,—something that we must have because so many demand it, but which is of really no practical use.

Every week, almost, there comes to me, either by letter or in person, somebody who wants instruction, anywhere from two days to two weeks, in this subject, *because he has already accepted a position and wants to prepare for it!* The following is an example: The Saturday before Labor day my telephone bell rang,—“Is this Mr Dann?” “Yes, you are speaking to Mr Dann.” “Well, I am Miss ———; I am stopping at Mrs B’s house. I have secured a position as supervisor of music in ———, N. Y., (a town of several thousand inhabitants with a good system of schools.) I want you to give me a lesson in conducting. I need it very much. The first thing I will have to do will be to conduct the music in the high school, and *I don’t know the motions the conductor makes.*”

I tried to plead lack of time etc., but she was persistent, and finally I became interested and made an appointment to meet her. I really felt sorry for the girl, and tried to show her about the “motions which the conductor makes.” She had been hired because she was a pleasing singer, and it was thought that she would be all right for the “children to begin with.” I placed before her a hymn book opened to a tune that I supposed must be familiar to her, and said, “Now, if you will sing, and beat with this baton, perhaps I can show you best in that way.”

“But,” she said, “I don’t know that tune.”

“But you can read it.”

“No. I can’t read notes.”

“And you are going to ——— as supervisor of music?”

“Yes, sir, I am to begin next Tuesday.”

It is not necessary to continue the story. You can imagine what is going on down in that city now. Some of you superintendents have had similar experiences. What will that woman face down there? They have not had music in the schools before. The lady will do the best she can. One thing she lacks is perspective—the ability to recognize the fitness of things. She has not the slightest notion of the tremendous responsi-

bility she is assuming, nor of the great possibilities of the position which she has so lightly accepted.

Now, what can the right man or woman do in that city in 10 years, in spite of the fact that the teachers are not trained? Given a person who has been trained as a teacher and *is* a teacher, has the artistic sense and the professional training of the musician — such a one can go into that city or into any other city in the United States where there is a good school system and produce a corps of trained teachers in music. Especially is this true of a *small* city, because, as Dr Damrosch has said, every teacher who is not tone deaf and who can teach other subjects well, can learn to teach music successfully. Such a person can go into the schools, from the kindergarten to the high school and can make the study of music a delight to the teacher, to the pupil, and to the home; can make of the high school students a beautiful chorus, which at commencement, and at all times, will be the pride of the whole community; can make the entire community musical — music lovers, music patrons. All this can be done by one man or one woman who is thoroughly capable and trained for the work. Just this has been done, and the many places where it has been accomplished, in this and other states, prove that the one element necessary to make music in the schools generally, a success, a marked success, and a real educational and vital power, is a body of educated supervisors.

Is there any reason — in the name of the schools and the homes — for allowing incompetent, untrained, inexperienced young people to take up one fifteenth to one tenth of the time of the teachers, and pupils in our schools, and a proportionate amount of the public money, only to injure the cause of music and impair the voices of our children? Is there any reason why the music supervisor should not spend as much time and as much money in preparation for his work as does the high school teacher? We are requiring, and rightly so, a college education or its equivalent, of the high school teacher. Should we not require special, academic and professional training of the teacher who is practically an assistant superintendent of schools and who comes into direct contact with every teacher and pupil from the kindergarten to the high school?

I have heard that during the first term of the present Superintendent of Education, he realized the great need of regulation in which music and drawing stood in the schools, and that he

hesitated for some time, considering which subject should receive State supervision; he could not help both, and finally decided that it should be the drawing. It is not necessary for me to call attention to the wonderful change this has caused in the drawing. Does not music, the most nearly universal of all the arts, the most delicate and the most neglected of all the subjects in the curriculum, call for the same help, the same supervision from the State?

There come to me at Cornell every year young people whose voices have been seriously impaired by improper use in the schools; young women who would naturally have been sopranos, but who perhaps had happened to sit on the side of the school-room where the altos sat, and had been told to sing the lower part, and, having done so, had developed the low chest tones and never used the upper voice. The next year, when they went into a higher grade and were asked what part they sang, they naturally said "Alto," and were put with the other unfortunate "alto" voices.

It were very much better that there be no music at all in the schools, if it can not be properly supervised.

It is beautiful to see how all the people want their children to sing and they are entitled to protection. They do not want their children's voices ruined; they do not want their speaking voices made harsh, their voices for oral reading impaired, by this awful thing called singing that is heard in the schools of many cities. The brilliant success of school music in an occasional system of schools only proves the possibilities of the subject and accentuates the need of a standard of qualification for the important office of supervisor of music.

May this great State of New York, which has led in so many school reforms, see to it that competent persons and no others be placed in charge of the music in the schools. The blessing of the great army of parents and children will fall upon the state which leads in this sorely needed reform.

When a trained body of supervisors is placed in charge of the music in the public schools, then, and not till then, will music take its rightful place and begin to fulfil its true purpose.

EXPRESSION IN LANGUAGE

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It is recorded in the biography of Robert Louis Stevenson that when he was only four years old, he dreamt that "he heard the noise of pens writing." If he had survived until now it would not be in his sleep only but in his waking hours that his ears would have been filled with the noise of pens writing, with the clatter of the typewriters and with the din of the printing press. To come forward as an author is no longer the privilege of the elect; it is now the right of the many who believe they have heard a call to take up the pen and write. We are afloat on a deluge of newspapers, of magazines and of books — and there is no Ararat in sight for the ark to rest on; there is no bird on the wing to bring us proof that the flood is abating.

It is small wonder that many of those who feel themselves in danger of drowning in the rising tide of printed matter are moved to protest against this incessant multiplication of books and periodicals and that some of them can not refrain from raising the danger signal. They are properly disgusted at the temporary popularity of ill written tales; and they see signs of literary disintegration. They are swift with shrill warnings that the standards of literature are being lowered and that we have entered upon an epoch of decadence. They cry aloud for relief; and now and again one of them ventures to suggest a remedy.

In an address delivered in the summer of 1907 before a western university a New York publisher is reported to have asserted that "up to this time writing has been a harum-scarum, rough and tumble business, with lots of superstition and little training or experience." And then he risked the suggestion that "we must follow the example of the other crafts. Let us have postgraduate schools to teach men and women how to write." This is a plausible proposition; but it is not likely to win general acceptance. It seems to suggest that we should require the degree of doctor of philosophy before admission to the profession of letters, just as we now insist on the degree of doctor of medicine before the practice of the healing art. If this requirement had been in force in the past, it would have deprived the American branch of English literature of Aldrich and Burroughs, of Howells and Mark Twain, of Poe and Cooper,

of Irving and Franklin, as it would have deprived the British branch of our literature of Bunyan and Shakspeare.

But even if this publisher's proposed method of relief is impossible, there is a widespread acceptance of his assertion that some remedy must be found before it is too late, since the present condition is intolerable. A high official of the Education Department of the State of New York has expressed his belief that the public is now "being bombarded in magazines, novels and scientific writings, with a vast amount of English, a great percentage of which would not be accepted in college from a sophomore." And he went on to declare that "no argument is needed to demonstrate that there has been a steady decadence of English style." In making this declaration he was voicing the opinions of many others, who stand aghast at the immense mass of trash now proffered to us on every hand.

Is this declaration justified by the facts? Is there any solid foundation for the widespread belief that we are losing our style and that the standards of English are being lowered? That the belief itself is widespread need not prejudice us in an endeavor to answer the question. Every age has revealed a tendency to disparage itself, to look back longingly to the good old days, to count the signs of its own decline and fall. In every age there have been shrewd observers who failed to appreciate what was under their eyes. Sir Philip Sidney, for example, expressed a most contemptuous opinion of the English drama just when the splendid outflowing of the Elizabethan theater was beginning to be visible. The wise and learned Guy Patin, who died in the same year as Molière, and who could have known Molière and Boileau, Corneille and Racine, believed to the end that he had lived through an era of literary decline and sterility, although he had survived to behold all the glories of the golden age of French literature under Louis XIV.

It may be admitted that we have not now in English literature any leaders equal in authority to the Victorian poets or to the New England group. And yet a time when the art of fiction is illumined by the works of Hardy and of Howells, of Rudyard Kipling and of Mark Twain, of Henry James and of George Meredith, can not be lightly dismissed as a period of decadence and sterility. But it is not with the chosen few that fault is found; it is with the multitude who can prove no call to literature. Now, there is no denying that there has been of late years an enormous increase in the num-

ber of worthless books. But the real question is not whether there are today more poor books, but whether there are fewer good books and whether the poor books are now more in proportion to the good books than they were once upon a time. There are more books, of course, good and bad. There are more bad books. Are there fewer good books? This is a question that no one can answer who has not been forced to a painful acquaintance with the poorer books of other periods.

Most of us recall only the masterpieces of the past; and we are prone to ignore or to be ignorant of the fact that the overmultiplication of ill written books is no novelty, now for the first time visible. We remember Shakspeare, and we forget the main body of Elizabethan playwrights whose works are so slight in value that they are known only to special students of the period. We remember Thackeray and Hawthorne, and we forget the countless novels of their contemporaries, which have long ago been condemned to the dust bin. There are myriads of books of bygone generations which have sunk beneath the waters of oblivion. The good books survive and the bad go to their inexorable doom; that was what happened in the past and that is what will surely happen in the future. The mistake we are inclined to make is due to our unintentional comparison of the picked books of the past, which we recall, with the average books of the present, most of which we should be only too glad to forget. Of course, this comparison is unfair to our own time; we are making the blunder of thinking the distant telegraph poles are closer together than those which we are passing now.

The proper comparison is between the average of the past and the average of the present. And it will not surprise any one who is acquainted with the more or less forgotten books of 20 and 40 and 60 years ago, to be told that the average writing of today is distinctly better than the average writing of yesterday. So far from the level of style having been lowered, the standard has risen. The ability to write tolerably is far more widely spread now than it ever was in times gone by. It is not too much even to say that the ill written books of our generation are not as defective as the ill written books of the generation that immediately preceded ours. A comparison of the magazines of 1907 with the magazines of 1857 will show that writers of no special reputation today have a style which was the property only of the more distinguished writers of yesterday. A comparison more particularly of our newspapers with those of half a century ago will reveal a marked improvement

in the use of English—perhaps nowhere more marked than in the advertising pages. Nowadays newspaper English is far more often terse, direct, vigorous, than it used to be. Nowadays magazine fiction is far more likely than ever before to display a sincere desire to deal with life honestly, to seize local color, to preserve the flavor of quaint character, to give the very form and pressure of the time. There never were so many tellers of tales as there are now who are striving to be truthful and who have acquired skill in narration and in character drawing. Of course, there are a host of other story writers, spinning careless yarns, forced in situation, false in character, maudlin in sentiment, and shabby in style. But there were in proportion just as many to be discovered in any earlier period of our literature.

The late Ferdinand Brunetière in his study of Balzac defined a good writer as one “who says all he means to say, who says only what he means to say, and who says it exactly as he meant to say it.” Very few authors have ever attained to this perfection; but it is the standard to which the best writers of our time are striving more consciously than the writers of earlier eras. And the authors of our era have followed far more successfully than their predecessors of any earlier period that other theory of literary art which declares the true secret of good writing to consist in knowing what to leave in the inkstand. Even our inferior story-tellers are less long-winded, less tedious than the inferior novelists of other days. Beyond all question, there is plentiful bad writing now; but it is certainly not worse than the bad writing under which our fathers suffered.

Perhaps one reason why many literary critics fail to see this improvement is because they have no relish for those qualities of directness and sincerity in which there has been a distinct gain obvious to all who consider the facts with an open mind. These literary critics are looking not so much for good writing as for “fine writing.” With them literature is largely a matter of words and phrases. They are seeking a sign, an outward and visible sign of literary merit, something apart from the inner and spiritual grace which gives life to a real piece of literature and which results from the subtle and perfect union of feeling and thought and knowledge. They are swift to praise mere stylists, jugglers with words, contortionists with acrobatic phrases. They are slow to discover that *Huckleberry Finn* is a masterpiece, in spite of its dialect and its low life characters. They are interested in the mere externals of literature rather than in its essentials, in the rhetorical

outer garment rather than in the inner veracity that gives it vitality. They seem to think that literature can live by style alone.

For these misguided folk there is profit in citing Merimée's statement that Stendhal, an author of indisputable power "despised mere style and insisted that a writer had attained perfection when we recalled his ideas without remembering his phrases." No doubt, this is a hard saying; and perhaps it may be called an overstatement. Even in workaday prose there is often an added delight in the beautiful phrasings of a beautiful thought and in the eloquent commemoration of a lofty deed. Lincoln's Gettysburg speech, for example, is more than a bald summary of obvious sentiment; it lingers in our memories because of the noble dignity of its few sentences. But even if Stendhal's remark is an overstatement it is not really a misstatement. The one necessary quality of the best writing is transparency—that electric communication from writer to reader with the least possible resistance. And this quality of transparency, of sharp clearness, is more consciously pursued today than ever before, not only by the best authors but even by the average writers of our time, by contributors to magazines and by journalists.

Yet it is only fair to say also that fine writing is not to be dismissed contemptuously. It has its uses; it is a good gymnastic; it tends to variety and to suppleness of style. Shakspeare poked fun at Lyly, the euphuist, but he profited by the flexibility which English owes partly to Lyly's trick of playing with words. Molière held up to scorn the preciosity of the coterie which met at the Hotel de Rambouillet, but none the less is his own use of language more delicate and more precise because of their pretentious endeavors. But although something may be said for the practitioners of fine writing, their standards are fundamentally false. They are self-conscious and affected; they are finicky and pedantic. They do not write as they speak. It is the rigid Vaugelas, the reformer of French style, who declared that "the greatest of all errors in the matter of writing is to think, as many do, that one must not write as one talks."

We need constantly to remind ourselves that language was spoken long before it was written; and that the written word is only the image of the spoken word. Even now that the printing press is unresting, poetry is not possessed through the eye alone; it is ours completely only when we take it in through our ears and have it on our tongues. Oratory and the drama live mainly in the human voice; and on the printed page they are but half alive. The

best vocabulary is not that of the library, but that of the street and of the market place; and the best writing has the straightforward directness of popular speech. Emerson praised Montaigne for "giving to literature that which we listen for in barrooms, words and phrases that no scholar coined, that have neatness and necessity in the vocabulary of work and appetite." Lowell asserted that his masters in language had been boys and blackguards. And in the writing of Montaigne, of Emerson, of Lowell, we find the true ideal attained—"the speech of the people in the mouth of the scholar."

I assert not only my conviction that the average of literary skill is higher than it ever was before, but also my belief that no small part of this improvement is due in large measure to the increased attention now paid to English composition in our high schools and colleges and to the better methods of rhetorical instruction which are now in use. Our teaching is now affirmative and not negative as it used to be. We set students at writing about the things they are interested in; we tell them what to do and we show them how to do it; and no longer do we discourage them by focusing instruction on what they ought not to do. With a fuller understanding of the needs of these beginners and with a keener appreciation of the fundamental principles of literary art, there has resulted a relaxing of the absurd restrictions, which made schoolmaster's English a byword. Green boys are no longer set to discover the alleged blunders in Shakspeare's style and they are not now trained in conceit to think that they know more about English than the masters who made it what it is and gave it its richness, its variety and its vigor. They are encouraged to say what little they may have to say in their own fashion as best they can. They are not condemned to wear the strait-jacket which the purists and the pedants have been striving for centuries to impose on our elastic and vivacious speech, and which would make English not only academic but anemic, not only juiceless but nerveless.

We have been rendering it easier for students to learn how to write and we have also been emphasizing that it is not easy to write well. Nothing is easy that is really worth while. Language is a stubborn implement, hard to wield and rebellious to the hand. In one of his notebooks, Hawthorne, himself a master of style, set down his opinion that "language, human language, is but little better than the croak and cackle of fowls and other utterances of brute nature—sometimes not so adequate." But this was only a passing petulance of a great artist in letters. It was not for publi-

cation; it was the secret utterance of an accomplished craftsman, to be laughed at the first time it happened again to meet his eye. Huxley, also a stylist in his own straightforward fashion, was more nearly right when he asked, "What is it that constitutes and makes man what he is? What is it but his power of language — that language giving him the means of recording his experiences — making every generation somewhat wiser than its predecessor, more in accordance with the established order of the universe.

It is language that lifts us above the brute, and if language is to be more than the croak and cackle of fowls, then it is worth our while to master it, to bend it to our use, to understand its possibilities, and to train ourselves to see in it the sole instrument for the transmission of knowledge and thought and feeling — the better instrument the more directly it is able to transmit these precious possessions. The real defect of the mass of printed matter which is bombarding us today is not to be sought in the deficiencies of style but in the defect of substance. This mass of matter seems badly written because it is born in knowledge and thought and feeling. As Voltaire told us long ago, a man always writes badly when he has nothing to say; and that is a disability which can not be removed by any high school training in composition or by any postgraduate course in rhetoric. It is not hard to teach men and women, even boys and girls, to express what they feel, and think, and know; but it is painfully difficult to teach them to feel sensibly, to think clearly and to know accurately. And this should be the aim not only of the teachers of English, but of all who are intrusted with the instruction of youth. The most that the teacher of English can do is to help those to express themselves who have something to express. He can do little for those who have nothing to express — except to make them understand that it is impossible to pour out a full measure from an empty vessel.

It was the shrewd Bagehot who asserted that the real trouble with books was to be ascribed to the two facts that most of those who could write did not know anything and that most of those who knew things could not write. This second group, those who have something to say which they don't know how to express — these the teacher of English can help. But the first group, those who already know how to write but have nothing to say — who is to help them? And how are they to be helped? One thing at least we can tell them — that the art of expression is useless if they have never anything of value to express. We can once more call their attention to the duty of their opening their eyes to the life

about them and to the possibility that by laying firm hold on it, they may acquire the feeling and the thought and knowledge without which the finest words are empty and idle.

Discussion

PRESIDENT RUSH RHEES D.D. LL.D., OF ROCHESTER UNIVERSITY

Mr Chancellor and ladies and gentlemen — I share with you a feeling of personal congratulation for the very comfortable expression of optimism to which we have just listened and I firmly believe that the optimism of it is justified. My confidence is grounded, unfortunately, not upon adequate knowledge, but simply upon the manifest reasonableness of the word that has been brought to us by a man whose knowledge is adequate. The suggestion set before our minds of being given the task of reading the worthless books of the past is quite sufficient to convince us of the comfortable contrast which was drawn between that dead and buried trash and the trash which perplexes us because it has not yet had its sepulture.

I should be most unwilling to enter upon the discussion of this subject if I conceived my task in any measure to be a further discussion of the art of expression in language considered from the point of view of the professional artist. I desire to speak with reference to another aspect of the subject; namely, our obligation as teachers for the training of the amateurs in the practice of this art.

It is well for us that we have had it made perfectly clear that the study of English is the study of an art. We are sometimes tempted to think that it is, rather, a science. Our teachers are confronted by so much of investigation, so many tasks of analysis, so much demand for inquiry, and for the sifting out of curious and interesting information, that there is danger that we be blinded to the fact that what we have to deal with is an art: an art resting upon a science, truly as all arts rest upon science. It is comfortable therefore that the question of the afternoon is: The *art* of expression in language.

It would be superfluous to take your time to speak of the supreme importance and the extraordinary beauty of language as a medium of expression. I simply desire to emphasize a fact easily overlooked, that in this art as in no other the amateur demands our careful consideration. Those who will pass under the instruction of Professor Matthews with his corps of twenty instructors, and those

who will study this rare art in other universities, are the very infinitesimal remnants of the multitude who have to use language as a means of expression. Those who are to have the advantage of the vastly improved methods of the teaching of rhetoric in our high schools are also a sadly small minority of the large company of people to whom some facility in the art of expression by this medium is a matter of primary importance.

Now I desire to register my own conviction that the optimism which has been expressed with reference to the masters and the professionals in the use of this art is in large measure justifiable also with reference to the goodly number of those who are properly to be classed as amateurs; that the product of our schools is in large measure more perfectly fitted for the expression of its thought than that of a generation ago was. Yet there are some things that demand our attention as teachers of this vast company of amateurs.

It is manifest to all those who have to do with the young people who are coming into our higher schools, that there is in three directions a lack which is fundamental; a lack in the instinctive use of clear and complete statements; a lack of instinctive recognition of grammatical correctness, and a lack of instinctive choice of the right word. Now you will not say that these things are so difficult that the lack should be taken as a matter of course. You will not say that complaint of that lack in a company of schoolmasters is a matter inappropriate, for in any art there are some fundamentals of technic an early mastery of which is absolutely essential to the successful practice of the art.

You can not make a pianist unless you take him before his teens. You can not make a painter unless at an early age the principles of drawing and perspective have not simply been set before his mind, but have been wrought into the muscles of his fingers and his arm, so there are certain elements of the technic of expression which are as essential for the professional as for the amateur, and which must be got possession of before the question presents itself to a man whether he will choose literature as a profession. I think those elements are, or rather those elements include, the items I have referred to, namely, an instinctive use of clear statements, an instinctive feeling for grammatical correctness, and an instinctive choice of the right word.

In our training in English we used to have certain things insisted on that, so far as my observation goes, are not as greatly emphasized today.

I remember, in classes that I attended as a boy, a certain relentless insistence on completeness of answer to a question, that sometimes seemed to me utterly foolish. If a teacher asked me a question that I could answer by "yes," that teacher was sometimes pedantic enough to require me further to repeat the question in the form in which it was put, in order to give a complete statement. Now it may be that that was carried too far, but it did one thing for those who were at all susceptible to the instruction of that time; it gave to the mind an instinctive hunger for an utterance that has a beginning and a middle and an end; and if I mistake not, that instinctive requirement of completeness, roundness of expression, is one of the fundamental elements of the art of expression in language.

We used, when I was in school, to have a discipline which I think is very largely done away with now—a discipline in the analysis of sentences which I must claim is something quite different from the altogether unprofitable inquiry concerning errors of the great men of literature. It was rather a simple study of the sentence, to find where its beginning and its middle and its end lie, and how the beginning is related to the middle and leads to the end: an analysis which gave to the youth an instinctive feeling for subject and predicate and modifiers, a feeling that was not merely recognizable after an intellectual analysis, but which as the result of that training became something rising up within him calling imperatively in his own expression for something like the same correctness of grammatical relation.

And then, when I was in school, there was a discipline that may be carried on now—I hope it is, I sometimes have had fear that it is not—a discipline in the choice of the right word, an objection to a word which did not clearly and accurately express the thought that was in the student's mind. This discipline obviously found its chief field in the translation of the classics, of Latin and Greek, of French and German, and it seemed to us sometimes that there was a great deal of pedantry in the requirement of the teacher, that we should not use the first word that came to our mind, but that we should browse in the lexicon to find some other English expression which would more perfectly or more originally show the thought for which we were seeking the English equivalent.

Now these three disciplines of the older time did in a measure produce that instinctive feeling for completeness, for grammatical correctness, and for the right word, that I am now pleading for, and I plead for it simply because among the young people who

go to college, the products of our high schools, and who probably represent a very much larger number who do not go through the high schools or who do not desire the college,—among these young people I find a carelessness of expression, a slovenliness of utterance, a contentment with incompleteness and incorrectness, a carelessness concerning grammatical correctness, and an indolence with reference to the choice of a fit word, with which it seems to me we should not rest content. I am not arguing the question whether this condition is more crying than it was a generation ago; I am simply arguing that it is not a condition with which we can easily be content.

Now, in this connection, I desire to express my own conviction that we can mend matters considerably by giving attention in the choice of our teachers to something which I know has had neglect in some quarters within these recent years. I think the departmental organization of our schools has marked an unquestionable advance in the instruction in the various subjects of study. On the other hand, I am convinced that in this matter of the art of expression in language it has led to a distinct loss. Professor Matthews most wisely intimated that the problem of correct and clear expression is, first of all, the problem of correct and clear thought. Now in those disciplines in the schools which lead most naturally to the culture of correct and clear thinking, is it suitable that the teacher should be content with the expression that is not complete and correct? I think that we have urged so insistently the importance of covering ground that we sometimes have led our teachers of mathematics, for instance, to feel that the substitution of short-cut phrases, of abbreviated utterances, of written equations, is sufficient to justify us in the neglect of the requirement for completeness of logical demonstration, that used to be one of the most valuable disciplines we had.

I have forgotten, I would venture to confess, every theorem in geometry that I ever learned. I do not think I shall ever forget a certain relentless insistence on the adequacy of the conclusion from the expressed argument, a certain relentless calling back to indicate the omitted step, a requirement that I should not arrive in my haste at a conclusion by a leap over something that should have had my foot firmly planted upon it. And in the study of geometry, algebra, and other subjects, the discipline of which is chiefly logical, the call in which is for correctness and consecutiveness of thought, I believe that as superintendents and principals we would wisely advise our teachers to take what time is

necessary to see to it that their students not only understand the steps of the argument but are able clearly and completely to express those steps.

In the discipline of translation to which I have already referred, there was in my experience something far more valuable than the introduction to classical literature, priceless as that was; something far more valuable than the intellectual discipline coming in rare and matchless fashion from the mastery of the classical grammar and the understanding of the sentence in its strange construction, of priceless worth as that was. There was an insistence on the searching for a word which would express a thought not familiar to me, a launching out into fields I did not know, a searching of lexicons to find words I had not before made my own, and an insistence that I use those words and make them a part of my possession, and therefore a part of that which is at my fingers' ends for the use of any thought that may be in my mind seeking for expression; and I think that as superintendents and principals we may wisely urge upon our teachers of language—ancient and modern—the value of taking enough time in the task of translation to see to it that the students who offer to us evidence that they understand the thought of a foreign author, give us evidence also that they are able to make that understanding intelligible in their own tongue.

If we should thus go back to the idea that valuable as is the departmental organization of our schools, and unquestionable as is the advantage of the newer training in rhetoric and literature, there still rests upon us the obligation to make the training in the use of language, that fundamental drill in the elements of expression, the task of the whole school and of no department singly, our advance in this particular would be most gratifying to us and most valuable for our students.

We sometimes give as a reason for the infelicities of speech and incongruities of utterance of the pupils who come to us, the fact that our schools have them but five hours a day and five days of the week, and that in the homes of many of them the language which they hear is infelicitous, inaccurate, and untrue; that on the street, in their play, they are constantly under the pressure of habits of utterance which, however virile they may be, yet do not contribute to their mastery of clear thought and accurate expression. What therefore can we expect? The argument is in a measure just and in itself it makes most eloquent demand that if we have these students for but five hours a day, five days a week,

we should use all of those hours to impress upon them the imperative value of accuracy, clearness, and correctness of speech, so that in some measure we may offset this pressure of unfortunate or ill-ordered utterance under which they lie for most of the hours of their waking life.

Mine is no cry that the present is worse than the days that went before it, but simply a plea for a somewhat rigid scrutiny of the conscientiousness in English speech of the teachers whom we appoint for our classes in science, in mathematics, and in history. Such a scrutiny will be embarrassing to some of us. I think the most successful, the most charming, and the most fascinating teacher of science I ever saw in a boys school was the worst sinner in the use of English speech that I ever listened to, and the very fact that he was so powerful a teacher of science made his influence all the more corrupting in the use of English speech. In view of the fact that this is the only art that every man and woman practises 14 to 16 hours of every day, is it unreasonable that we should ask that any man or woman who aspires to teach in any subject in our schools should first of all give evidence of mastery of the fundamentals of the technic of clear and correct and forceful English expression? If we can secure this in the boys and girls who come up through our grammar schools, if we can hammer upon this necessity relentlessly during the four years they are in the high schools, if we can make all classes in college avenues for discipline in English utterance, I think that the departments of literature in our universities will find no lack as a consequence in the specialists who come to them to prepare for mastery in the art of literature. I am confident that the great mass of men and women who go out from us with the expectation that they are fitted for a happy and useful life will rise up and call us blessed. And it may be, as it has been often of old, that out of this mass there will some day awaken in the minds of the young men and women who least expect it the consciousness of the possession of something to say and the desire to say it, and then that contribution which we have given in the early drill in the mastery of the elements of expression in this art will be the occasion for gratitude on the part of these new discoverers of their literary mission.

INDUSTRIAL ART: HOW IT IS ADVANCED BY ART IN EDUCATION

GEORGE F. KUNZ, NEW YORK CITY

The development of the industrial artist proceeds by a process of selection which results in rendering certain aspects of an environment more attractive for him than others. Just as in three-color printing, by means of a screen we eliminate certain colors, printing only the others, so, according to the manner in which the external world has been interpreted for him, the artist will see and reproduce nothing but the beautiful and the harmonious or nothing but the horrible, grotesque and distorted. This accounts for the great diversity of the manifestations of art among different peoples and in different periods.

The first school for art is nature. How few designers have had time to be in the open air and to become natural in their tastes. Why are so many plant and animal forms so unnatural? Simply because the original drawings are made from dried botanical specimens or from stuffed animals, by artists whose methods and training were altogether artificial; these in turn are colored and lithographed by photographers who are not naturalists. The designer then studies these unnatural objects and frequently distorts them still further. It is very important that the artist should spend two or three days each week in the country, not only a few weeks during vacation period; for whenever that may be, he can grasp only a few pages in the chapter of the year. He should be in a natural environment from the time the snow leaves the ground and the skunk-cabbage is first seen, until the last berries or seeds are visible on the nude branches. He should learn to understand the unfolding of the fern, the shooting out of the buds, the development of the leaf, the growth of the flower, the inception of the fruit and its successive stages until the ripening; and lastly, he should observe the tree without a leaf, this being even a more interesting study than when it is fully clothed. The same with the seashore; how many paintings have you seen of the ocean or of the seashore, even by well known artists, in which all the shells and animal life depicted were those that are purchasable at a shell shop on Fourth Avenue, in a side street of the Strand, or in some of the naturalists shops of Paris? These shells had been

denuded of their natural epidermis, and the colors were brought out as unnaturally as would be those of the human body if the skin were removed from it.

The success of Japanese art, as well as that of Chinese art, is generally due to the fact that these people are students of nature. They are lovers of natural objects; they spend days in looking at the cherry blossoms, the wistaria and the chrysanthemum. The work of the older artists and that of some of the better ones of today carry this out. I know one French artisan jeweler and one American who spend from two to four days a week in just such contemplation of nature as I have described.

A rich client of a jeweler once ordered a dozen enameled daisies for bridesmaids' gifts. He was a critical observer and when the completed work was shown to him, he seemed much displeased; no two were alike; there was either a slightly bent leaf or some difference in the smoothness and evenness of the enamel. The client was about to refuse them as unacceptable when the dealer sent for a bunch of field daisies, and asked him to select any two that were alike, saying that if there were two exactly similar ones, the enameled daisies would be made alike also. The real reason for the dissatisfaction was that the gold daisies were too similar; as painfully alike as are some-twins. Each of the natural flowers was a distinct individual flower differing as much as men or women would.

There are four things absolutely necessary in the training of an industrial artist; he must give undivided attention, with his eye, his hand, his mind and his ears, when instruction is given him; for, as the saying goes, "when you are young and take infinite pains, when you are old you will have skill and can count your gains."

In the East, in India and Ceylon, every child is taught this absolute attention, which may be a precept of the Mohammedan religion. If a child is at work sweeping or polishing and a band passes, and the child looks aside, he is at once directed to his work; if some one jostles him, he must pay no attention; if there is a conversation going on, he is not allowed to listen to it. The eye, ear and mind *must* be on the work itself. As a Singalese once stated, the brass that the child polishes, the inkstand, the lamp or other object upon which he works, is worth two or three times as much as it would be worth if the child had looked or listened or had not kept his attention on the work. It is said that the children are trained to this absolute obedience so that when their religion is taught to them they shall be just as attentive; and it is probably

for this reason that these people are not only faithful to their religion, but by their thoughtful concentration produce an added value for their work.

Much of the delicate and beautiful East Indian jewelry has maintained its identity in type and character from very ancient times up to the present day; many forms resemble those peculiar to Greece, and these may have been introduced at the time of the campaign of Alexander,¹ only undergoing slight modifications. The contrast with our methods is very striking. In India, the workman is a descendant from two thousand years of jewelers and he is able to make an entire jewel. How different it is with us today! A man may work in a jewelry establishment all his life and never make or know how to make a jewel. He is occupied either at the draw press or the casting furnace; or he is a molder, a chaser, a stonecutter or a gold colorer; but he can not complete a single jewel — any more than the silversmith who melts or rolls the silver, or strikes out the spoon, or shapes the bowl, or finishes out the die-strike and polishes it, can make a spoon. The result is a cheapening of the product not only in price but in quality; because as the workman often need not serve an apprenticeship as he did of old, he can not command the salary of an experienced jeweler. Yet the clever chaser or engraver or diamond setter receives today perhaps twice to four times the salary paid 50 years ago, for ingenuity is always rewarded and a novelty is always appreciated, as may be seen in the wonderful flat watches now made, which are so thin that eight piled one upon another measure less than 1 inch, each one being hardly an eighth of an inch thick, and selling for nearly \$300.

Japanese art as it was, and as practised by many of its artists, was one of the most natural and truest of arts, but within the past 20 years the Japanese merchant has also taken up the production of commercial art. The demand has frequently come from communities so crude in their taste, or the buyers have so little knowledge of what is really beautiful, thinking that everything Japanese is desirable, that instead of products of Japanese art, a great quantity of the objects sent here may be termed tea store accessories. The bulk of the Japanese material shown at the Jamestown Exposition was of this character. Flamboyant would be a moderate term to use as a description of an immense, floridly enameled silver

¹Indian campaign of Alexander, 327-325 B.C. (Alexander was born 356 B. C., and died 323 B.C.)

vase that was held at \$10,000; there were cases of similar objects. This vase will probably sell as did the largest enameled vase ever made in Japan, sold at the Chicago World's Fair. There were several buildings filled with minor objects, many of them exhibiting wonderful ingenuity and occasionally good taste, and offered at prices that seemed absolutely ridiculous for skilled labor; but so many were of the more florid character that one of the jury, in speaking to an exhibitor, stated that if Japan persisted in sending such things to the United States, it would surely bring on the much discussed, but we hope never to be realized war. The jurors found it impossible to give any award from an artistic standpoint, but as these objects had been brought so great a distance, they were called manufactures, and as such were awarded a prize, just as one might be given for a water cooler, or a pair of common shoes.

The effect of art and patience has probably never been better shown than in the wonderful objects of jade and other hard stones that find so much favor in China and Japan; and thanks to the generosity of our late citizen, Mr Heber R. Bishop,¹ a collection of these is now the property of the Metropolitan Museum of Art. This wonderful collection well shows us how artistic training and infinite pains have shaped beautiful, delicate objects out of the toughest material that the lapidary encounters, jade and jadeite. In the Morgan collection in the opposite hall we can study the work of the great potters of China who have produced such wonderful objects of faultless and graceful form. It is true, they must have had inherent taste, but they were also educated to know the clay, the wheel, the colors and the glazes, and what color the glazes would be after they had once gone through the fire.

While a sympathetic appreciation of the beauties of nature is one of the principal requisites for artistic development, we must not forget the great value of a careful study of the best models.

In the 18th century there had been two potters of the same name, father and son; a grandson then served an apprenticeship, and in what is now the famous town of Etruria, he proceeded to carry on the manufacture of pottery which is still pursued by his grandsons. He became a student of ancient art and traveled extensively. He then applied the knowledge he had acquired to simple clays, engaged the services of the great Flaxman,² modeler and sculptor,

¹Heber R. Bishop, born in Medford 1840, died in New York 1902. The Heber R. Bishop Catalogue, description of, by George F. Kunz, Met. Mus. Art, April 1906.

²John Flaxman, born at York, 1755; died 1826.

and made a study of basalts or black Egyptian ware and of the fine terracottas and cameos. It was this application of art to pottery that has given us Josiah Wedgwood,¹ the greatest English potter and one who has made England known the world over. A proof of the influence exercised over him by his master, Flaxman, is the fact that he made 24 copies of the famous Portland vase which were sold for \$200 each; such reproductions readily command \$4000 each today. In Wedgwood's case it was not only art but education and application that made him the great master. It was his intense devotion to travel and study in addition to his artistic sense, that has made his name a household word. The study of classic models and of the best work of the potters have made the name of Wedgwood one that is and will be revered not only by England but by the entire civilized world.

It was not, however, always within the power of the individual industrial artist to procure for himself the proper environment, and many men gifted by nature with great artistic ability have been unable to develop their talents because of a lack of encouragement. We may note here an interesting example of what can be accomplished by a little intelligent direction.

Catherine II² of Russia, realizing that the Ural mountains were an endless treasure-house of rare decorative stones such as jaspers of many colors, malachite, rock crystal, smoky quartz, rhodinite, and granites of peculiar value, not to mention topaz, aquamarine, emeralds, tourmaline and other stones, conceived the idea of sending two Italian lapidaries to the Ural mountains for the purpose of teaching the natives the cutting of stones and the making of artistic objects. This finally resulted in the establishment of imperial cutting works at Ekaterinburg, where, by means of a few instructors and aided by the water power which is unlimited in these mountains and by the presence of the native stones, there were and are created those great vases, tables, mantles, and other rich objects which Russia has for many years used as imperial gifts of favor to such eminent men as Alexander von Humboldt³ and Sir Roderick Murchison,⁴ not forgetting our own great Thomas A. Edison.⁵ These objects may be seen in every royal household in

¹ Josiah Wedgwood, born in Staffordshire, 1730; died 1785.

² Catherine II of Russia, born in Stettin, 1729; died 1796.

³ Alexander von Humboldt, born in Berlin, 1769; died 1859.

⁴ Sir Roderick Impey Murchison, born at Tarradale, Ross, Scotland, 1792; died 1871.

⁵ Thomas A. Edison, born at Milan, Ohio, 1847.

Europe; they have been gifts of the czars for over a century, and are noted for their beauty of line and the quaintness and richness of the substances from which they are made. There are now three imperial cutting establishments; one at Ekaterinburg, another at Peterhoff near St Petersburg, and the third at Kolyvan in Siberia. These works give employment to over 500 stone artists who frequently leave the government employ to become independent masters. Thus, owing to the fact that the farsighted Catherine sent two Italian lapidaries to the Ural mountains, an industry has been created there which gives employment, in addition to those engaged in the imperial works, to a thousand and more people, and an occupation of searching for these gem stones to many hundred more; the latter and part of the former work being frequently an accessory to the tilling of the soil and other occupations when there is leisure in winter or spring and extra money is of great value. Such industries could be created in the mountains of North Carolina and California, where almost similar conditions exist. In Russia, single objects are produced, such as the immense vases of jasper, which require the work of from two to five men for four or five years, and a permanent wealth is created that probably would never have existed had it not been for this farsightedness of the Great Czarina.

In a study of the history of the jewelry industry of the German jeweling city of Hanau, I was somewhat surprised to learn that the jeweler's art was brought there by the Walloons and Huguenots 300 years ago, and that in the city there are two churches, a Catholic and a Protestant, under the same roof, the entrances being at opposite corners. As many as 300 of those who left France and Belgium were united by family ties and for three centuries they have worshipped under one roof; for three centuries the jeweler's art of France has been carried on by the descendants of her own people who were driven out in the evil hour of religious persecution.

A quarter of a century ago, the Austrian government realized the importance of art education to the artisan, and as a result of this, in such small towns as Gablonz, Turnau and Reichenbach, for 20 years there have existed schools where a boy is taught to draw, to design, to model, to hammer out, to engrave, to chase and to enamel a bit of jewelry, as well as to make a drawing of the gem and cut the gem for the jewel; this he is taught to set in the piece of jewelry he has created. He can originate and perfect an entire piece. The result is, that, differing from the custom in most jewelry

shops, he is not only taught a single part, but is taught to make every part of a bit of jewelry, so that with this artistic training, the boy, instead of becoming simply a jeweler, is very soon fitted to be foreman or manager in an establishment, and frequently to become a partner of the firm; all this through the fact that his country has given him two or three years' artistic training. This same method has been carried out in the glass districts where the boys are taught every phase of melting, designing, modeling and engraving glass of all colors. Thus, by the expenditure of \$10,000 to \$20,000 a year in these small schools, in a gem, a jewelry, a glass or other region, the government has notably increased the output of the corresponding industries.

In 1893, I asked Dr Geheimrath Lessing,¹ director of the Kunstgewerbe Museum of Berlin, why it was there were so few fine industrial art objects produced in Germany; for it already had good schools, and considerable encouragement was given to the pupils. He was not then aware that Paris, London and New York offered so much larger recompense to these people that they generally left their homes; so that although their creations were known in other countries, they were rarely credited to Germany. But in the past dozen years Germany has encouraged work of this kind, and the work of the jewelers, wood, bronze and iron workers in the German section of the exposition held at St Louis, far outdistanced that shown by that country at any other world's fair.

As an instance of the practical influence of art schools and museums on art development, I will refer very briefly to another foreign example. England, for the past 30 years, has liberally encouraged and aided the South Kensington and other museums and employed the most eminent men of the time as directors and professors therein, under the leadership of Sir Francis Philip Cunliffe Owen² and then of our own Sir Caspar Purdon Clarke.³ The result is noteworthy. At the Paris Exposition of 1867, English potters and pottery were but little esteemed; in 1878 they ranked second, and in 1889 and 1900 they equaled, if not excelled, the French.

France has always realized the great importance of its art industries and in Paris we find homes in which a small master hires an

¹ Dr Geheimrath Julius Lessing, born in Stettin, 1843.

² Sir Francis Philip Cunliffe Owen, born May 23, 1820; died Nov. 22, 1894.

³ Sir Caspar Purdon Clarke, born in Richmond, County Dublin, Ireland, 1846.

apartment, one room of which is a salesroom, and his wife is the one who sees the clients. The husband works in his room, either alone or employing a few men; in this way many thousands of objects of gold, silver, glass, wood, leather, bronze, and other things are made, not in great quantities, but a few at a time; the family generally spending their Sundays, not in riotous living as we are led to suppose, but in going to the country and camping out; so that from the break of day until sunset they are quietly resting in that great school of art, nature. Had it not been for these industries, France never would have been able to pay Germany the five milliards of war indemnity. She did this apparently without effort; the fact that she had suffered made her but the stronger.

This education of the higher artistic sense was never better exemplified than by the magnificent and wonderful modern objects shown at the Paris Exposition of 1900. In some of these objects the artist and artisan had combined their efforts; for instance, a table of rare wood, ornamented with carved and beautifully chiseled brass figures, making the table worth \$45,000; a bookcase worth \$30,000, the natural and intrinsic value of the materials probably not representing \$50; a fenderlike fire screen, representing a row of poppies of wrought ironwork, designed by the artist and faithfully carried out by the artisan, representing \$3000, while the material was hardly worth \$10.

In Paris, some 50 years ago, a bronze founder became an art collector. He was a master of French art and bringing this knowledge into his foundry, he studied how to utilize it, and then acquired a great and choice collection; he owned magnificent enameled Arab temple lamps which brought more than \$20,000 each at the sale of his effects. Had not the great Barbedienne¹ devoted so much of his valuable time to artistic studies, his name as bronze founder and his work would perhaps not be known the world over today.

The artisan of France, who frequently receives just as much remuneration as the artisan of the United States, will not hesitate to wear his blouse even on Sunday. He is proud of the fact that he is an "ouvrier" and is usually more self-respecting than some of our American mechanics, who will buy a suit of clothes, and when it becomes too shabby or torn to be worn on a holiday — it is sometimes never mended — they wear it to go to work, and when it is too poor to be worn in that way, they wear it in the workshop.

¹ Barbedienne, Ferdinand, born at Saint Martin de Fresnay (Calvados) 1810; died 1892.

In the Paris Exposition of 1900, in a case 2 feet square, was a wonderful exhibition of ciselé art objects chiseled out of the solid mass of steel, although there was nothing that equaled the contemporaneous 12 inch statue of Louis XIV, shown in the Petit Salon and valued at \$50,000. These objects were dagger handles, scissors and knives, and were the work of a Styrian whom nature had somewhat handicapped. This man produced articles of such beauty and requiring such patience, that for a single dagger handle he had refused \$2000 from the present monarch of Austria. Without his art training, partly self-taught, he probably never would have been more than a common mechanic in a machine shop. The French secret of many of the beautiful things made in quantities is a good drawing, a carefully cut die or mold, and the cost to reproduce a beautiful object is then about the same as that of one of inferior design, while its salability is enhanced many times.

It may be said that France has always known this secret of taking something worth little, such as glass, thread, copper and tin, and creating beads, passementerie, lace, wonderful embroideries and other things, for feminine adornment; as well as magnificent bronzes, and modeled, cast or chiselled tin. From feathers and a little silk are made the most beautiful hats; with paper they make the most beautiful books. In other words, having followed an artistic model, it becomes a simple matter, with properly trained artisans, to create objects of value out of those of little cost. The result of this application of artistic education by the dressmaker or the milliner can be seen in the work of such men as Worth or Viot and others, whose dresses and hats are first designed by great artists, and are then made by trained artisans.

When I was 20 years old there lived and worked at 16th street and Union square a Frenchman, Jules Lebrethon,¹ one of the most versatile geniuses I ever knew. He was an artist, an actor, a playwright, a poet, a modeler, and a jeweler; he knew in all, nine professions. At that time he was a successful gem engraver, cameo portraits being in vogue.² Lebrethon would have been a great

¹Jules Lebrethon, died 1884.

²During a period from about 1860 to 1885, cameos were much worn in the United States, and quite a score of gem engravers existed at that time, many of whom executed most admirable portraits, which were then frequently called for. Among the most prominent of these were Louis Avet, Jules Lebrethon and L. Bonet. The latter is the only one who has survived, and he is at this time executing most beautiful specimens of the gem engravers art. Saint Gaudens was a pupil of Avet and Lebrethon.

man had he not been periodically convivial; frequently it required a week or longer to recover from a night's smash up. Leon Barre, one of my associates, who had been for many years art buyer for the house of Tiffany, knew Lebrethon, and also a Mr Saint Gaudens who was in the shoe business on the opposite side of the square. In discussing the future of young Augustus Saint Gaudens,¹ who had learned cameo engraving under Lebrethon's teaching, the father was strongly advised by his friend to send him to Paris and to give him a good art training. Had the father not realized a future for his son, had he not taken the advice of his friend and sent him abroad, and had not Augustus had the inspiration of Jules Lebrethon, it is a question whether we would have today the great statues of Lincoln in Chicago Park, "The Puritan" at Springfield, Farragut in Madison Square, the Shaw monument in Boston Common, or the Sherman monument in Central Park, not to speak of that great majestic "Grief" or "Death," as it is called, in Rock Creek Cemetery.

It was my pleasure to have known this great artist for more than 20 years. I both admired and loved him; but for a period his work came very slowly. Many knew that he had great genius, but they began to fear that he was possibly like the young man who wrote a wonderful article. It was so remarkable that he was advised to write a great book. He selected one of the rooms of his home and for years spent hours in it daily. He finally died an old man, and at his death his friends were not so anxious to know the contents of his will as they were to see the great book in this many years occupied room. All they found there were a few sheets of paper that had scarcely anything on them; he had undertaken too great a task. With Saint Gaudens, however, there was a pause of 13 years, and then he gave us the Shaw monument, the Peter Cooper and the Sherman monuments. Inquiring among his associates, I learned that he had broken up some of the models for these works from 10 to 15 times. The wonder is, how he could have accomplished what he did for the small recompense given to him, for he was never content with his work until he had fully done his best; time and the want of money did not count with him in doing the work that has brought him so much renown. And what is more, he had the courage to refuse thousands of dollars. In 1892, at the request of Mrs Potter Palmer, who took much interest in the World's Fair medal, I called on Saint Gaudens three times and urged him to design and model the award medals

¹ Augustus Saint Gaudens, born in Dublin, 1848; died 1907.

for the World's Columbian Exposition. He was three times offered the sum of \$5000; he had need of the money, but each time he refused, because, he said, "there is no one in America who can make so important a medal, and surely I would not undertake the task." Later on, however, at the personal urging of Mrs Palmer, he consented. Saint Gaudens's work was acknowledged the greatest of any foreign exhibitor at the Paris Exposition of 1900, and it ranked with the first work in France. Had he produced all that was ordered of him, using assistants as some other artists have done, he might be living today, enjoying the unique title of a millionaire sculptor; but this was not the ambition of the immortal Saint Gaudens.

The first mention of Augustus Saint Gaudens, sculptor, in New York City, appeared in 1881, in which year he resided at 58 West 57th street. In 1882 his studio was located at 148 West 36th street, and his residence at 22 Washington place. These addresses appeared until 1891, with the exception of the years 1887, 1889 and 1890, when he apparently was not in the city. This also seems to be the case in 1892, and from 1893 to 1897 we have his studio address the same and his house address in the years 1893 to 1896, 51 West 45th street and in 1897, Vermont.

The first mention of his father, Bernard Saint Gaudens, was in 1852. He was a shoemaker by trade and resided at 197 Forsyth street. In 1853 he was not in the city, and from 1854 to 1859 his residence is given as 41 Lispenard street. In 1860 he located his business at 268 Fourth avenue and resided at 150 East 21st street. In 1861 his home address changed to 304 Third avenue, and this address appeared up to 1866, his business still being at 268 Fourth avenue. In 1867 and 1868 we have the same business address but his house address is not given. In 1869 we find his business located at 270 Fourth avenue, and his home at 310 Third avenue. From 1870 to 1883 his business address was 314 Fourth avenue, no house address given, and in 1884 his business was at 332 Fourth avenue. In 1885 and 1886 no business address is given but his house address was 610 North Third avenue in 1885 and 454 Third avenue in 1886.

Louis Saint Gaudens, brother of Augustus, was also a sculptor. In 1881 he resided at 58 West 57th street. We find no other record of him in the city until 1884, when from this year to 1886 his studio is given as 148 West 36th street and his residence at 80 Washington square, East. In 1887 we again have no mention of him and in 1888, 148 West 36th street again appears as his studio address, his

residence changing to 270 West 37th street. Skipping the years 1889 and 1890, in 1891 we find his studio still in 36th street, his residence not given. In 1893 to 1895 his studio is still at the old place, and his residence in 1895 in New Jersey.

Louis Avet, Augustus Saint Gaudens's first master, was a cameo worker by profession, and from the year 1863 to 1868 his business was located at 599 Broadway. In 1865 he resided in New Jersey, in 1866 at 79 West 19th street, and in 1876 at 186 Sixth avenue.

We trace Saint Gaudens's second master, Jules Lebrethon, from the year 1860. In this year and also in 1861 and 1862, his profession was that of an artist, his studio being located at 483 Broadway. In 1863 we find him a cameo engraver at the same place. In 1864 his business address was still the same, and his residence in New Jersey. In 1865 his residence changed to 199 West 24th street, and in 1866 his business address was 609 Broadway and his residence still in 24th street. In 1867 his business was at 643 Broadway, and these addresses remain the same up to and including the year 1871, and from this date to 1880 his home address is given as Staten Island. In 1878 he changed his business address to 31 Union square, where he remained until the year 1880, the year of his decease.

In 1869 we find Louis Bonet an engraver at 599 Broadway, where he worked with Louis Avet. In 1870 he is still at this address, and resided at 210 Greene street. In 1871 he changed his residence to 260 Fifth avenue, and we find no further record of him in the city until 1875, when his business address is again 599 Broadway. He remained here up to and including 1878, in which year he resided at 174 Mercer street. In 1879 his business address was 889 Broadway, where he remained until 1882, and in 1883 he moved to 927 Broadway. With the exception of four years, 1887, 1889, 1890 and 1892, we find him located at this address until 1896, inclusive. In 1897 Louis Bonet moved to 41 Union square, West, and he is still located at this address. From 1900 to 1905 he lived at 542 West 22d street, and in the past two years, 1906 and 1907, he has resided at 6 West 107th street.

Of the two greatest medallists of our time, Roty¹ and Scharff,² the former a Frenchman and the latter an Austrian, Roty is a pure idealist; he can see nothing that is not beautiful, no matter how dingy or humble a figure he attempts to depict; he sees and draws only those lines that are beautiful and pleasing, notably in his medal

¹ Louis Oscar Roty, born in Paris, 1846.

² Anton Scharff, born in Vienna, 1845; died 1903.

of an ironmaster of Mulhouse and his family. Here we have a straight row of the family portraits, and as a background the great iron furnaces with their large chimneys; but how beautifully the smoke and steam emanating from the chimneys is depicted! His fine Marriage Medal made for the French mint will always remain a pure, ideal conception of a marriage ceremony. Scharff, on the other hand, was more of a realist. His "Village Schoolmaster," and many other of his works, are pleasing realistic conceptions drawn and modeled with wonderful accuracy, for Scharff learned to draw with such a delicacy of touch that one would almost mistake his drawings for those of Albrecht Dürer;¹ he was always a realist, whether his work consisted of a model or a drawing by pen or by pencil.

In striking contrast to the works of this French and this Austrian artist, let us pause for a moment to think of the nightmare of a circular mass of copper that was given as a medal by the Centennial Exposition authorities and what someone with or without assistance, made out of the beautiful Saint Gaudens models which were given 17 years later as an award at Chicago. The Philadelphia Centennial medal was not designed by an artist, and was minted by the man who made it; the Chicago medal was modeled by an artist, but its artistic feeling was eliminated by mechanical devices.

Since the death of Scharff,—whose medals number many hundreds—the leading medallist of the Vienna school is probably Rudolf Marschall. The following list of the more prominent representatives of this school, with a mention of the prizes and decorations they have received, shows that the excellence of their work has been duly recognized.

Anton von Scharff, born in Vienna, June 10, 1845; died in Brunn, near Vienna, July 6, 1903. Grand Prix, Paris, 1900. Gold art medal, Munich, 1901. Franz Josef Order. Order of Iron Crown

Rudolf Ferdinand Marschall, born in Vienna, December 3, 1873. Gold Fäger medal.

Josef Tautenhayn, born May 5, 1837. Large gold state medal, 1882. Franz Josef Order.

Stephen Schwartz, born August 20, 1851, in Neutra. Small gold medal, Jubilee Art Exposition, Berlin. Gold medal, Paris, 1900.

Franz X. Pawlik, born in Vienna, August 2, 1865. Two gold medals, Munich, 1901.

¹ Albrecht Dürer, born in Nuremberg, 1471; died 1528.

Josef Tautenhayn jr, born in Vienna, September 10, 1868.

Peter Breithut, born in Krems, northern Austria, June 13, 1869.

Heinrich Kautsch, born in Prague, 1859. Gold medal, Munich.

Franz Josef Order. Legion of Honor.

Ludwig Hujer, born at Wilhelmshöhe, northern Bohemia.

Rudolf Cizek, born in Vienna, March 12, 1867.

Rodin¹ works in clay; the model is then sculptured in marble or cast in bronze. He has created so many things by his fine touch and his artistic conception, which is so versatile and so marvelous, that he made up an independent exhibition of these in a specially built hall, outside the walls of the great Paris Exposition of 1900. This great gathering consisted of single blocks of marble or plaster forms, representing either a hand, foot, head, back, or some part of the body of man, woman or child. These were shown as one great gathering, but unfortunately without screening or partitioning off; and while each piece represented a master's work, the general effect upon the multitude who visited the exhibition was an impression of viewing the results of a terrible railroad disaster, and the work could be appreciated only by artists. Yet Rodin has also executed great complete pieces, perhaps nothing greater or more idealistic than his "Penseur" shown at the St Louis Fair — one of the finest artistic works of any time in its quiet, strong impressiveness. This statue has been acquired by that great American art lover, Mr Henry Walters. It would seem almost an impossibility for Rodin to make even one touch of his hand on a mass of modeling clay without creating some lifelike form.

How can we raise the general taste with the least possible expense and among the greatest number? How can we reach the poorest child in the most distant mountain home, and the rich man's son residing in a great city palace? There is no way by which we can do this with less expense than by having the designs of our coins, our currency and our postage stamps the work of the most eminent artists and having them executed by the greatest engravers of the time.

There is no way of spreading a taste for pure art in a community more wide-reaching and attended with less expense than by providing a coinage of the highest type. Our coins should be the creations of our greatest sculptors and in this way our currency would represent the most beautiful forms evoked by American art.

¹ Auguste Rodin, born in Paris, 1840.

These pieces pass through the hands of all, men, women and children, and whoever sees them unconsciously absorbs the pure artistic conception, and would no more tolerate the ugly and uncouth in art, than one who has become familiar with the best in literature would tolerate a trashy novel.

To show the great number of art objects that could be made in a year, we give the following official report of the coinage of the United States for the fiscal year, ending June 30, 1907:

COINAGE EXECUTED AT THE MINTS OF THE UNITED STATES DURING
THE FISCAL YEAR 1907

Denomination	Pieces	Value
Double eagles	2 208 441	\$44 168 820 00
Eagles	2 846 812	28 468 120 00
Half eagles	1 171 611	5 858 055 00
Quarter eagles	450 937	1 127 342 50
Total gold	6 677 801	\$79 622 337 50
Half dollars	12 274 679	\$6 137 339 50
Quarter dollars	13 436 525	3 359 131 25
Dimes	34 780 635	3 478 063 50
Total silver	60 491 839	\$12 974 534 25
Five cents	47 642 750	\$2 382 137 50
One cent	93 731 568	937 315 68
Total minor	141 374 318	\$3 319 453 18
Total coinage	208 543 958	\$95 916 324 93

Number of bills representing money payable to bearer, printed and delivered to the Treasurer of the United States, in the fiscal year ended June 30, 1907:

UNITED STATES NOTES AND CERTIFICATES PAYABLE TO BEARER

Denomination	Number of bills	Value
\$1	107 296 000	\$107 296 000
2	25 392 000	50 784 000
5	31 056 000	155 280 000
10	10 220 000	102 200 000
20	4 196 000	83 920 000
5 000	4 000	20 000 000
10 000	4 000	40 000 000
Total	178 168 000	\$559 480 000

NATIONAL BANK NOTES PAYABLE TO BEARER

Denomination	Number of bills	Value
\$5	17 508 776	\$87 543 880
10	10 666 438	106 664 380
20	2 829 530	56 590 600
50	97 923	4 896 150
100	97 923	9 792 300
Total	31 200 590	\$265 487 310

SUMMARY

Denomination	Number of bills	Value
\$1	107 296 000	\$107 296 000
2	25 392 000	50 784 000
5	48 564 776	242 823 880
10	20 886 438	208 864 380
20	77 025 530	140 510 600
50	97 923	4 896 150
100	97 923	9 792 300
5 000	4 000	20 000 000
10 000	4 000	40 000 000
Total	209 368 590	\$824 967 310

The above is exclusive of the following:

UNITED STATES GOLD CERTIFICATES, PAYABLE TO ORDER		
\$5 000.....	I	\$5 000
10 000	12 000	120 000 000
	<hr/>	<hr/>
Total	12 001	\$120 005 000
	<hr/>	<hr/>

These lists that have been very courteously furnished by Hon. G. B. Cortelyou, Treasurer of the United States, and statistics given by Hon. H. von Meyer, Postmaster General, show that the United States government issued in the fiscal year ended June 1907, 208,543,958 coins, 209,380,591 bills, 6,923,875,575 postage stamps, 805,568,700 postal cards, and 1,368,323,750 stamped envelopes; in other words, a total of 9,515,692,574 coins, bills, postage stamps, postals and stamped envelopes in a single year. It requires but a glance to show that if the government would spend \$100,000 per year on an artistic rendition of these objects, much could be done in an artistic way by this expenditure.

The following recommendations were prepared by a committee of the American Numismatic Society, of which the writer was chairman, and were presented to President Roosevelt for his consideration, with the hope of formulating a method to permanently obtain the best results.

ON A FUTURE IMPROVEMENT OF THE UNITED STATES COINAGE

In view of the great advances that France, England and other foreign countries are making in the matter of artistic coinage, we beg to offer the following suggestions for your most careful consideration:

That Congress be petitioned to authorize an entirely new coinage, which shall be artistic in design.

The entire coinage of the United States consists of ten denominations.

In order that the designs for the new coins shall be truly artistic in character, the best artistic talent of the country must be enlisted; and to this end it is necessary that these artists should receive a just recompense for their designs. We recommend therefore:

I That the sum of ten thousand dollars (\$10,000) be appropriated for each special coin model, without regard to the monetary

value of the coin to be issued, whether a cent or a twenty-dollar gold piece, as it is as important to have the smallest coins artistic as the highest.

II That the six best designs received for each piece shall be awarded \$1000 each from the above sum of ten thousand dollars, and that the committee, hereinafter proposed, shall have the right to select the best of the six designs, and to accept the model with or without modification by the designer, paying the successful competitor an additional sum of four thousand dollars. The cost of the dies for each coin would, then, not exceed \$10,000.

III Artists may submit designs for each denomination in each metal, but an artist receiving a first award in one of the metals will not be permitted to compete for the other denominations in the same metal.

IV That the committee to pass upon the models for the coins shall consist of the President of the United States, the Secretary of the Treasury, the Director of the Mint, one member each from the Senate and the House of Representatives, three numismatists, one sculptor, and one painter.

The following further suggestions may also be presented as of practical importance:

V The coins need not necessarily be in very high relief. Some magnificent works of art have been executed in very low relief, as shown in the medallion art of the later centuries.

The coins should be of such size as to be commercially convenient, and should not be so irregular in surface as to afford opportunity for the accumulation of germs, and the consequent risk of spreading disease.

VI By no more direct means is it possible to awaken an artistic taste among the people than by an artistic coinage. The art educating value of such a coinage will be at once apparent, and the poorest child in the most obscure hamlet, or poorest tenement, would thus have the opportunity of knowing and seeing the works of the best living masters.

VII With regard to the expense involved, the National Gallery at London, the Louvre in Paris, and our own Metropolitan Museum of Art, would not hesitate to spend \$100,000 for a single very important painting, on account of the educational and artistic value of such an object. The price of a single painting of this kind would replace our entire metallic currency with a coinage that would probably be unequaled in both beauty and utility by any nation on the

globe, and would do much to remove from the United States the reproach that we are not an artistic people.

VIII Without entailing an additional expense in minting our coins, if they were made of a metric weight, diameter and thickness, a coinage so stamped would aid this country in attaining a greater commercial rank, and assist in educating the children in metric values, a knowledge of which is absolutely necessary for them in the transaction of business in any other than an English-speaking country.

In this connection, we must not forget to acknowledge how much we owe to President Roosevelt for the encouragement he has given to the advocates of this cause and for what he has already accomplished in the direction of raising the artistic standard of our coinage.

France has long realized the importance and value of an artistic coin as a means of educating all the people in the least expensive manner; therefore such eminent medalists as Roty and Chaplin have designed her coins. The Austrian government also has recently encouraged artistic coinage in a limited way by ordering a die made of a coin on classic lines, a limited number of coins to be distributed to collectors at a somewhat higher price than their face value.

Verily may it be said that he is a wise sculptor who can recognize his own medal after his model is altered into a medal. It is just as essential for the artist to understand this as it is for the potter or enameler to know how his colors will appear after the firing and to know the final glaze that will be applied. For this very reason many of our modern sculptors are more successful when their models are cast in metal or cut in marble or stone by a cutter of another nationality and feeling, and when the artist is assured that his work is to be recast the same size, so that his final touches and lines will be retained and not eliminated by means of the file or hammer by a caster who may wish a smooth finish on all his castings, thus destroying all of the sentiment and feeling of the work. The final color or surface on bronze, gold, silver or other metal objects is of the greatest importance and a series of the Saint Gaudens 1893 World's Fair medals offered startling contrasts when finished in different ways in various bronzes and colors.

With wonderful precision the modern reduction machine, under the guidance of an artist, will reduce a plaster cast made for the machine from an artist's model in bronze or iron, from a size of 12

or 16 inches in diameter to the dimensions requisite for a medal. But it is absolutely necessary for the artist modeler to have a thorough knowledge of the differences in tone value between modeling wax, plaster and metal, when the subject he models is to be changed to one fourth or one sixth of its diameter and then reproduced in a medal of red, brown, golden or other bronze, or in bright or oxydized silver, in bright or dull yellow, green, or gold.

The coin of the future should be designed by a great medalist, if not by a sculptor of large work. Some men can never conceive a work of magnitude, but their product may possess the delicacy of a forget-me-not in contrast to a great sunflower; and medallic models need not be large. The die cutter of old, who worked with hammer and chisel, or with a free-hand graver, produced work that is today unrivaled. Did not Michelangelo cut his design directly from the great rough block of marble? He did not leave this to be done by a stonecutter, who smooths down or modifies the work of the sculptor to what seems to be perfection to his eye.

When the models for the new eagles and double eagles, ordered from the late sculptor and member, Augustus Saint Gaudens, through President Roosevelt, were submitted to the Director of the United States Mint, it was found impracticable to strike these coins in the relief in which they had been modeled by the sculptor. However, dies were made from the models and trial coins were struck. The models were then returned to Saint Gaudens, who executed new ones. Dies were made and trial coins were minted from these second models also, but they too were returned to the sculptor, and the gold eagle in circulation is from a third die.

The Director of the United States Mint caused two eagles to be struck from each of the first two dies, on the condition that they should go to some numismatic society. The double eagles from the first and second dies were also in high relief.

Through the courtesy of its vice president, Mr J. Sanford Saltus, these coins were presented to the cabinet of the American Numismatic Society, and will remain in its custody, except for the brief time during which they will be placed on view at the Augustus Saint Gaudens Memorial Exhibition of all his obtainable works, to be held in the Metropolitan Museum of Art, from March 2 to April 2, 1908.

As I have stated, the authorities of the mint found that the first eagle and double eagle were of too high relief; they also lacked a

proper stacking edge ; that is, they could not be stacked with the ease that is necessary when large numbers of coins are to be handled in banking. In addition to this, with our present system of minting, the cost of minting a high relief eagle is greater than for one in low relief, and it is absolutely required that the coins shall only slightly vary in weight, although they are cut from plates of metal rapidly rolled out. The eagle must always weigh 258 grains, 900 fine, and the allowance for waste is only one thousandth, equaling about 1 cent on each piece. The actual waste in the gold coinage of the Philadelphia Mint during the fiscal year ending June 30, 1905, was only 6.97 per cent of this allowance. Hence we find there are some difficulties in executing artistic coins in high relief, such as the ancient Greek had abundance of time to produce and ample leisure to admire.

The thanks of the American Numismatic Society are due to Director Leach, of the United States Mint, for his uniform courtesy and for making it possible for these trial pieces to find a home in their collection, where they will be even more accessible to the numismatists of the country for examination than they would be in the United States Mint.

The United States Mint has now devised a machine which will weigh 100 coins per minute ; this will be a great saving even over the rapid hand machine. They have also introduced a machine for opening and closing the sectional collars in striking the coins.

A metal chaser who has acquired a great and well deserved reputation is Jules Brateau of Paris. The following details are taken from an advance sheet of *La Bijouterie Française au XIX^e Siècle* by M. Henri Vever, to whom and to the publisher, M. Fleury, we are indebted for this communication.

Jules Brateau was born in Bourges in 1844. In 1858, when he was 14 years old, the family moved to Paris, and he entered the workshop of Honoré, a master chaser, as Brateau himself puts it, " just as I might have gone to a shoemaker or to a tailor." However, he soon gave proof of his artistic aptitudes, and after serving his apprenticeship with Honoré, he followed the courses of the *École des Arts Décoratifs* and also frequented the studio of Nadaud. In 1869 he executed a fine bust of his master Honoré Bourdoncle and he was soon overwhelmed with orders from the first houses in Paris. During his long career he has executed an immense number of artistic objects, not only after designs that have been given him, but more frequently according to his own conceptions.

He has always been passionately devoted to his art and his fine and subtle talent has never failed to win appreciation; and although he has never confined himself to any school, he has often drawn his inspiration from the great masters of the Renaissance.

Many fine specimens of work in the precious metals bear the signature of Brateau, and a splendid sword executed by him was presented to M. G. Berger, director of the Musée des Arts Décoratifs, but he is best known as a worker in tin. It was toward 1878 or 1879 that he took up the tradition of François Briot, whose works he had long studied with care and attention. His first production in this metal was a Renaissance plate designed after an engraving by Théodore de Bry; this was exhibited on the occasion of a competition instituted by the Union Centrale des Arts Décoratifs in 1884 or 1885. He soon gained a complete mastery of the art, as was shown by his success at the Paris Exposition of 1889. Numerous beautiful objects such as ewers, goblets, plates, salt cellars, etc. have been made by him, and all are praised by both artists and amateurs. Almost all the leading museums of Europe have acquired specimens of Brateau's work, and in the Musée des Arts Décoratifs a special case is devoted to his productions. His mark is curious and ingenious; it is a gibbet (French, *gibet*) in allusion to the initials of his name; J. B. He was a member of the jury at the Paris International Exhibition of 1900 and was an exhibitor *Hors Concours*. His case of "Etain" was one of the features of the section of modern decorative art, and the collection of about 75 pieces, in its entirety, was acquired by one American art firm.

Some years ago a French collector brought to this country a medal or rather a locket, after the type of the Syracusan medallions. On it was a head of gold, not unlike that of Arethusa, which was classic in every respect. To carry out his idea that the medal was modern, and was a locket, he bored a great hole through one end and through this passed a heavy gold ring. An American collector saw this locket, and someone suggested that it looked like an antique. The collector seemed interested in the object, but when he heard it was modern, he laid it aside, all interest gone. Thereupon the dealer remarked: "Do you wish a man to be as dead as the artist who modeled the Syracusan medal before you appreciate his work?" This locket is now in the collection of the connoisseur who would have refused it but for that argument.

One word here about encouragement by an art lover that it was my pleasure to know; I mean the late Alfred Morrison¹ of London,

¹ Alfred Morrison, born in 1821; died in 1897.

who believed it possible that the finest things could be made at any time provided an adequate appreciation was given by the connoisseur to the worker. He was a great friend of Zuloaga,¹ the Spaniard who made such wonderful damascene metal work. They were together when they examined a wonderful key of the Strozzi Palace; one of the Rothschilds had paid £1200 for it. Morrison inquired of Zuloaga: "What do you think of it?" the reply was: "I could make a finer key." Morrison said: "Make it." And Zuloaga did make it, without the price having been considered. It was so satisfactory that Mr Morrison, upon seeing it, said: "Make a casket to go with it." When Zuloaga completed the casket it cost some £10,000. Morrison pursued the same course in his purchases of rugs, Oriental and European; or of lace, of which he had finer specimens than he could find in any museum; he was a prince of collectors and drew out the latent ability of the ironworker, the jeweler, the lacemaker and many others who had never before found such a friend.

There lived in London at the same time an Italian jeweler who was wonderfully clever in making quaint enameled and jeweled Renaissance rings. For many years one collector bought nearly one half of all his product, saying that some day it would be impossible to buy this man's work, and this collection has never been offered to the public.

It was at the Paris Exposition of 1878 that silverware of such beauty was produced that it brought an award of the grand prize to an American silversmith. The award of the grand prize and the cross of the Legion of Honor to the great jewel firm was mainly due to the fact that Edward Chandler Moore² had for many years applied himself to artistic studies, more especially to the Persian, the Greek and the Oriental. More than 20 times he had visited Europe and studied the art collections there and had become familiar with the beauties of the art of Persia, Japan and the Orient in general. That he was an art collector is evidenced by the Moore Gallery of the Metropolitan Museum of Art, bequeathed to the institution at his death, and that his artistic studies increased the value of his handiwork is felt to this day; and since that time American silver-smithing has held its own with that of the world, rivaling that of Germany, England and Austria.

This American silversmith, who received the grand prize at the Exposition of 1889, when asked whether the workmen were French,

¹ Placido Zuloaga, born in Madrid, 1833. His father, Eusebio Zuloaga, born in Madrid, 1808, was also a metal and bronze worker.

Edward Chandler Moore, born 1827; died Aug. 2, 1891.

German or English, replied: "We are employing the third generation of men who were our apprentices, and we have on our books the names of thousands of men who served an apprenticeship five years before we termed them masters."

A notable instance of the effect of travel and observation upon a mind naturally inclined to artistic studies is that of an American whose father was a merchant and jeweler; a successful man, known the world over. His father's profession had no attraction for him, and the father, with much foresight, allowed the young man to gratify his artistic taste. He traveled extensively in Spain and Morocco besides making the usual European trips. He became interested in painting, then in fabrics, stained glass windows, in woodwork and in bronze; for years he experimented with glass, producing quaint forms and wonderful combinations of color and iridescence, vying with anything that had ever been found in antiquity. Later he combined glass with bronze, making industrial objects such as lamps and other ornaments, giving to each his artistic touch; and lastly he came back to his father's profession, jewelry. In a period of 30 years he has made for himself a name almost as widely known as his father's and has probably, directly or indirectly, produced more artistic objects of glass, wood, bronze and the various combinations than any one that has ever lived; I refer to Mr. Louis C. Tiffany.¹

The work of Charles L. Tiffany, the father, his business career and that of the house of Tiffany & Company are fully described by George Frederic Heydt in his book "Charles L. Tiffany and the House of Tiffany & Company."²

William Baumgarten realized, on the abandonment of the former Royal Windsor Tapestry Works, that their usefulness had been allowed to die out gradually, owing to a lack of artistic management—and surely proper encouragement should have been given in England to a product so high in decorative value. Baumgarten, therefore, bought the plant and brought over some of the leading men to manage it. He took a personal interest in establishing it in the old snuff works on the Bronx, and trained young boys from the Catholic Protectory who showed an aptitude for careful loom-work, eliminating those who did not. The result is that for some 10 years the annual product has exceeded in value that of any single year of the original tapestry works, and some of the best

¹ Louis Comfort Tiffany, born in New York, 1848.

² Published New York, 1893. 8vo. 9 illus.

work of the century that now graces American salons is the product of the reincarnated Royal Windsor Tapestry Works.

We do not always realize the immense addition made by art to the worth of the materials used in artistic work, and how much is added to the value of the skilled mechanic's labor if he be trained in the execution of such work.

The German ironmasters of Munich, the Armbruster brothers, who obtained the services of an artist to design a great eagle grappling with a dragonlike monster, found an ironworker who could strike a blow with a sledge with such precision that he made an object which was given the leading place in the Court of Honor of Germany's great exhibit, and is now one of the principal ornaments at Mr George Gould's¹ Gregorian Court. The same amount of material forged into horseshoes by the same man probably would not have netted more than \$100 or \$200; as it was, the object could not be reproduced for \$20,000.

A clever Japanese artist took \$25 worth of silver and enamels, made an artistic drawing and faithfully reproduced this group of iron, in the form of transparent enamel, in a bowl of silver, making the object worth some thousands of dollars and creating a thing of enduring value, enough so to find a home in the collection of Mr Henry Walters of Baltimore.

In the same way the ancient wood carvers of box, pear, apple, olive and other woods, who carved them into medals with the exactness of their having been minted, or who carved groups of figures such as we see in the Waddeson collection in the British Museum, by their artistic education and application, have created out of a bit of wood, worth at the most a fraction of a dollar, objects of art that readily command at a European sale today, from \$200 to \$1000 each, centuries after they were made.

As John Ruskin² truly says: "All works of taste must bear a price in proportion to the skill, taste, time, expense and risk attending their invention and manufacture. Those things called dear are, when justly estimated, the cheapest; they are attended with much less profit to the artist than those which everybody calls cheap. Beautiful forms and compositions are not made by chance, nor can they ever, in any material, be made at small expense. A composition of cheapness, and not for excellence of workmanship, is the most frequent and certain cause of the rapid decay and entire destruction of arts and manufactures." My experience has proved

¹ George Jay Gould, born in New York, 1864.

² John Ruskin, born in London, 1819; died 1900.

that the American people are always willing to pay for costly articles if they have merit and their value is not an exaggerated, fanciful one; and in every capital of Europe there is a coterie of art lovers who maintain art in every form.

There are certain men who, through a natural aptitude and an inherited genius, or by intense application, become finger deft or finger wise; in other words, they have a touch in their fingers which they themselves can not explain, yet they can produce things with this touch that their minds can not see. It is this touch, whether applied by the pencil, the brush, the graver, the chisel or the hammer, on the canvas, in iron, or in plastic clay, that differentiates the artist from the mechanic.

In 1880 there lived in Dresden a German named Blashka, who devoted much time and thought to glass blowing. He later became interested in the reproduction of artistic and lifelike forms, and his son also became interested with him. He reproduced the Medusa, the Holothurians and many rare marine forms, magnifying microscopic things and reproducing them as faithfully as those that were of natural size. He became interested in plants, in fruits, flowers and seeds, and both he and his son reproduced them with equal aptitude. They took a trip of more than six months to the tropical oceans to study the marine forms. They were discovered by Professor Sargent of the Harvard Collection, and one of them devoted the larger part of his life to reproducing the plant forms which are shown in this wonderful collection.

Another instance is that of a man named Mueller who, some ten years ago, made small poppies and other flowers for table lamps; tiny candles were placed in them and they were objects possessing considerable merit. As the American Museum of Natural History desired a worker in glass to reproduce fine and delicate animal forms, he later became connected with this institution and his continued application and study led him to prepare a great collection for the Museum, which, like that of Arnold Arboretum of Harvard, shows what proper training will do for a talented and experienced glass blower who only requires the technical study which these men both enjoyed and furthered.

The models executed by Mueller were designed to illustrate soft-bodied animals which could not be preserved, more especially those which were of great scientific value because of structural peculiarities. These models have been made in the laboratory of the Department of Invertebrate Zoology, of which Dr W. M. Wheeler is

curator, although Dr B. C. Dahlgreen has immediate charge of this work.

Among the Protozoa, the models illustrate the various forms of Radiolarians, Infusorians, etc.; glass has also been used for the spicules in the representations of the sponges. In the collection of Coelenterates; anemones, hydroids, corals, jellyfish, etc. are beautifully and faithfully represented, and in the flat-worm alcove, we have enlarged illustrations of this group, so interesting to scientists and yet so little known popularly. The Rotifers and Polyzoa are shown by models largely composed of glass, and among the Echinoderms, the Holothurians. Besides all these, we have many models of the oyster and the quahog, and, lastly, the ancestral vertebrates are illustrated by representations of the Tunicata.

A quarter of a century ago, Sir William Crookes lectured annually at Edinburgh. At one of his lectures he exhibited some beautiful specimens of Venetian glass. A Scotch mechanic heard him lecture and a year later Sir William was surprised to find that the mechanic had taken up glass making. He became very much interested in the glass-making art and for many years made splendid specimens of this work, some of which Sir William bought annually, and which are still highly prized, although the glassmaker who made them has long since gone to the home of his fathers.

Bohemian glass. For over twenty-five years the Lobmayers, of Vienna, have paid strict attention to the reproduction of the most graceful and delicate forms of glass, which were engraved with such exquisite delicacy and perfection that the engraving has rarely been equaled even on rock crystal. They created objects of wonderful beauty and many of them were marvelous for their artistic lines and the technic of the graver's wheel. About ten years ago, however, this firm realized that it was almost impossible to obtain men who would take the infinite pains needed to do such work, finding that many preferred to devote their time to the swifter and more commercial work for which there has always been a greater demand with more recompense.

As early as 1885, the late E. C. Moore became interested in the engraving of glass in rock crystal style, and he created patterns, drawings and models and had them engraved; he interested the Webs of London, and they in turn instructed and encouraged a brilliant set of artists.

The work of Tschmar, who for a period was a most successful worker in transparent enamels combined with metals, found a home

in the greatest collections of America and Europe. His work possessed a character that was peculiarly his own, and his yellows, his blues and his reds were blended as no one had quite blended them before, and reminds one of some of the enamelled Arab lamps of the twelfth to the fifteenth century, that today are held at many times their value in gold.

No one has shown more appreciation for industrial art in the United States than has Mr Russell Sturgis.¹ An architect by profession and a born collector, he has a love for the artistic no matter of what material the object is made. His wide range of appreciation is well expressed in the chapters of his great contribution to this subject. This we learn by simply repeating the titles of chapters in his monumental work: *A Study of the Artist's Way of Working*, which is arranged into four divisions:

1st, The Nature of the Inquiry. The Work of the Lower Civilizations.

2d, On the Five Mechanical Processes; Carving, Modeling and Embossing, Painting, Staining and Dyeing, and Drawing.

3d, On the Several Fine Arts of Hand Work; Ceramic Art, The Vitreous Art, Metal Work, Leather Work, Textile Art, Embroidery, Building, Plastering, Joinery, Inlay and Incrustation, Mosaic, Engraving, Printing in Flat with Stenciling, Gem Engraving and Die-sinking, Calligraphy, Printing, Representative Sculpture and Its Kindred Arts, Representative Printing and Its Kindred Arts.

4th, On the Fine Arts Not of Hand Work; Decorative Treatment of Buildings, Decorative Treatment of Interiors, Decorative Treatment of Landscape, The Ignored Fine Arts, and Conclusions.

His delicate expression of appreciation of the workers is feelingly shown in the lines in dedication of these volumes, which read:

Dedicated with admiration and undying gratitude to the many artists and skilled artisans—to the sculptors and carvers, printers and draftsmen, silversmiths and blacksmiths, potters and glassmakers, masons and joiners, printers and engravers, architects and decorative designers, who, during 40 years, have been my teachers in fine art.²

Among our American Indians, the Utes and the Sioux have been unusually expert in the manipulation of beads as applied to leather

¹ Russell Sturgis, born in Baltimore, 1836.

² Russell Sturgis Ph.D. A.M. *A Study of the Artist's Way of Working*, 2 v. xix, xvi. 666p. plates. 8vo. Dodd, Mead & Co., New York, 1906.

and to cloth; you are all familiar with this work. Some American ladies, among them Mrs Bayard Cutting, Miss Townsend, Mrs J. P. Morgan and others, conceived the idea of educating these Indians in a more artistic employment — of directing their ingenuity to the making of lace. That they have succeeded is well shown by the exhibits that were made in Paris and in Buffalo, a gold medal having been awarded in Buffalo for some laces that are well worth a place in the greatest household in the land. And what about the Indians in our New York State reservations?

Never have the homes of the rich in any land contained more remarkable decorations and furnishings, and perhaps many of them never in better taste, than at the present time in America. This has been the result of the habit of buying rooms of special periods, furnished from villas, churches, monasteries and palaces, and a single architect, who died in 1906, purchased dozens, if not hundreds, of such interiors. In this way, the work of the greatest carvers of wood and stone, of the greatest forgers of iron and bronze, and of the weavers of ancient looms, has been collected, single pieces selling for from \$10,000 to even five times that amount.

Those wealthy Americans who frequently visit Europe, who know the world and its products, past and present, and who often cause costly objects to be created for them, are acquiring the choicest art treasures of Europe. The foreign museums, as well as collectors, are viewing this situation with such alarm that laws have already been passed, and they will be made even more strict in the future, to prevent the exportation of specimens of ancient or renaissance art. This is notably the case with the French government. This taste on the part of our people is reflected in their growing desire to have finer modern home decorations, and the architect, mentioned before, who died in 1906 and who supplied the furnishings for many rich homes, told me in 1905 that he had at that time 12 orders aggregating \$3,000,000, an average of \$250,000 each, for interior decorations and furniture, exclusive of either paintings, the house itself, or the land upon which it stood.

It seems clear that from Colonial times to about the period of the Civil War, our taste in architecture, furniture, metal work, and many similar branches of art manufacture, was far superior to what it has been with few exceptions since. Yet we have been glorifying in our growth of population, and our production and wealth. What reason can be found for this decline of taste? Perhaps we

may trace it in the very elements of our rapid growth, which has been in quantity at the expense of quality. May this not be due to two principal causes: the great influx of foreigners, largely of the mechanical but not of the artistic classes, and the consequent division of labor? Thus, where formerly were found neat, tasteful dwellings, fitted with furniture made by a village artisan, and with fireplaces ornamented with delicate brass and ironwork, perfect after a century of use, we now find that no one in the same village can do anything but the crudest work. The furniture, the woodwork, the fireplaces, the whole house and its contents, are put up, and put in, by wholesale, as it were, from the products of manufacturing companies, and all opportunity and inducement for individual taste and skill are gone. Contrast a Colonial house, or a modest mansion of only half a century ago — with its graceful ornamental hinges, its carved panelings around door and window, its moldings on ceiling and stairway, albeit in plain materials — with the modern house that is put up by the real estate company, “in lots to suit purchasers,” and which in every part is turned out by machinery and delivered to the contractor by wholesale. In my own home, in a village 5 miles from Peekskill, there is a mantle and some woodwork in the hall which are better than anything that has been made in Peekskill in the past 20 years; the house was built for Abijah Lee in 1820. I recently bought another similar mantle from an old rectory in the same village. These were made some 80 or 90 years ago by carpenters of the village Hiram Mabie and Theodore Strasbury, who were carpenters and wood carvers for a period of 30 years, who had seen only Colonial woodwork, and whose minds had not been corrupted by the sash, blind, and woodwork factories which have made the objects of which nineteen twentieths of the village is built. They are veritable wood butchers; it seems impossible for them to make a pure line, yes, more impossible than it would be for a savage whose taste is natural.

In the past quarter of a century the industrial art outlook has changed for the better; at our American Museum of Art, the Fine Arts Museum of Boston, the Chicago Institute, the Pittsburg Carnegie Museum, the Drexel Museum, Pratt Institute, Armour Institute, and dozens of others, in every large city, there is some opportunity for the young to see what has been done in the past; but to find a place for modern things, to place them by the side of the older models, is a task that rests with the present generation.

Most of all, the study of nature must be fostered and every endeavor must be made to advance to the utmost the industrial art of this country, both as a matter of credit and also for the gain which it will bring to our land.

There is no reason why we should not have art schools in this country for iron and glass in such places as Pittsburg or Birmingham; there is no reason why we should not have schools for leather and woodwork in St Louis or schools for gem-cutting and carving in Los Angeles. We already have textile museums in Fall River and New Bedford, and there are many other places in New England where a small technical school would do much to increase the value of the work of its inhabitants, enriching the community and paying back the investment many fold. It is important, however, that when the word "artist" is spoken of, it should not be construed in the sense that a portrait painter should teach a worker of brass or iron, or that an illustrator should teach a worker in wood or carving; they should be "industrial artists."

There is an industrial art unrest at work, and we read of attempts in this direction in London, Edinburgh, Buffalo, and in many other places. The arts and crafts are awakening to the necessity of more serious work. This will surely result in the development of competent artists, especially if they have an appreciative sustaining clientele.

Though much of the work of the Renaissance is incomparable, at the present time there is as admirable industrial work executed as there has been at any time. Varying periods, and new artistic conditions, have produced results that are equally satisfactory and are quite as unique, because they neither copy nor imitate the works of former periods. The fine ciselé work of the present time has never been excelled. Diamonds and precious stones have never been cut with such perfection, and some are so minute in size that they weigh from 150 to 250 to the carat, or from 15,000 to 37,500 to the ounce. They are set in designs with great accuracy of mechanical skill combined with artistic manipulation. Large and effective pieces have been made, containing many hundreds of stones that are set with a delicacy that has never been attained at any other period. It is the same in many other fields.

In silver, gold, or other metal, when the product is the work of an artist, a clever artisan will make combinations such as we see in fine chasing or repoussé work, or inlaying with other metal, producing an object that is worth from 20 to 50 times the cost of the

metal, and one can be sure that this will not be sacrificed to go into the melting pot of either the goldsmith, silversmith, or bronze-worker. Many such objects have been preserved for centuries because of their beauty.

In every community there may be men who are not physically strong, perhaps cripples, who could model an object of clay, engrave a piece of glass, or hammer out a piece of wrought ironwork. Artistic training given to these men would not only make them useful citizens, but would probably make them of more value to the community than their stronger brothers.

The word "artistic" need not necessarily mean French art, classic Greek art, Roman art, the Renaissance, Russian, Chinese, or Japanese art; it may mean any one of these, for if the artisan is taught by one of artistic perception, he may, with the same expenditure of energy and frequently with less, increase his usefulness from one to twenty times, and create articles of artistic value and not of common merchandise out of marble, bronze, gold, silver, wood, iron, glass, clay or wax; for when a master mind has kindled and brought out his latent artistic talent, the artist can only think and create artistic things.

We may here mention an instance of the effect of some artistic ability applied to book making as shown in the appreciation that has been given to that leader of the salvation army of book men, I mean Elbert Hubbard.¹ By means of his *Philistine*, the General Booth² of the book world, he has created and developed among many well to do people a taste for books which they have frequently gratified and have raised to even a higher plane than that to which he had brought it. By a little artistic taste in the type-setting, in the printing, in the coloring and in the binding of his books, he has made it possible, in such an out of the way place as East Aurora, to produce an industry which has given employment to many, and has done much to foster the love of good books among those who probably never would have heard of them otherwise.

As an illustration of the practical inconvenience which may result from a lack of the proper diffusion of artistic education, we may note the deadlock between the Municipal Art Commission of New York City and the Department of Bridges. The Bridge Department thinks that it can make a design for a bridge which will be serviceable and at the same time possess sufficient beauty for a

¹ Elbert Hubbard, born at Bloomington, Ill., 1850.

² Gen. William Booth, born at Nottingham, 1829.

public purpose; the Municipal Art Commission, on the other hand, maintains that if a bridge is dedicated to the commemoration of the discovery of the Hudson river, and if this bridge is to occupy so important a position as to be the connecting link between Manhattan island and Westchester county, probably to remain for centuries as an object for critical inspection, it must possess artistic lines of beauty as well as strength; therefore, they have declined the designs in several instances and this great work has been kept back for years, because apparently there is no one in the Bridge Department who has combined a study of art with his technical education. The Municipal Art Commission would surely welcome a design of beauty, and we are now promised a design for a reinforced cement structure, giving a possibility for graceful lines much greater than would be afforded by a structural material requiring a geometrical make-up.

A word in regard to pottery and porcelain in the United States. Each succeeding exhibition has shown us that in a new state two or more deposits of clay adapted for pottery purposes have been found. In many instances and in a number of states various amateurs and artists have interested themselves in the working of these clays for artistic purposes, and among these many have produced work of great merit. One of the pioneers in this field is Maria Longworth (Mrs Bellamy Storer), who initiated the manufacture of what is known as Rookwood pottery, the product of which has been of so high a character as to have received grand prizes at great expositions in Paris, Turin and many other places.

The Greuby Pottery of Boston has confined itself to the production of dull grays and greens, and more lately it has become interested in the working of pottery for interior decoration, such as that used in high class bathrooms and stations for the subway.

Kilnfire reds have been produced by Robinson of Boston in vivid colors, often with wonderful metallic reflections. There are dozens of potters, but space will not permit me to more than mention a few of them.

One word in regard to expositions. Shall we have no more of them? Have we had enough of them already? In view of their immense value in disseminating a taste for and a knowledge of purer industrial art, I firmly say *no* in answer to the latter query. Let us have them as often as in the past, and it would be well if we could have those of a certain type even more frequently; I allude to special exhibitions in which only a single industry is repre-

sented, as, for example, the manufacturing of leather into shoes. In such an exhibition illustrations might be given of the animals furnishing the hides as they appear in their natural surroundings and habitat; then the raw hides could be shown as well as examples of the various means of dressing and preparing them used by different peoples; and, finally, there could be a collection of foot wear of all types and styles, from the flat sandal of the Roman to the high-heeled shoe worn by the French and Chinese lady. We should then see the varieties of upper leather from that of the simplest Indian mocassin to the ornately decorated shoe of the Tartar or the elaborately embroidered one favored by the Russian lady. What valuable information could be gathered by a young man engaged in the shoe industry after one hour's study of such an exhibition! How much more he would know in regard to the shape and requirements of the sole of the shoe—an object too often neglected, because it is out of sight—and how much better he would be equipped should he become in later years the foreman or even the manager of a shoe factory. It is quite safe to say that he would know more than 99% of the shoemakers of the United States who have grown gray in the trade. It is true that the shoemaker's trade is not an art, but everything that is worn by man is susceptible to artistic treatment and has its influence on the general effect produced by a costume.

In expositions of the French type, where guilds or a number of men engaged in a profession pass upon the exhibitor, who is only permitted to present what represents true progress, whether artistic or mechanical, no one would be permitted to erect a building 40x60 feet in length, as was witnessed at the Jamestown Exposition, the entire object of the large structure being to house a collection of furniture, cut glass and other material, representing prizes that a large soap company award in return for coupons obtained by purchasing their product. The French make retrospective exhibitions of every object of industry possessing merit, dating from the earliest time to 50 or 100 years preceding the exhibition.

That men with artistic instinct have existed at all times and in all nations is evidenced by some of the wonderful objects made by the aborigines, such as the great paddles from the Harvey islands, gracefully decorated with carving that is never wearisome or monotonous, and these objects are eagerly sought by the collector who appreciates beautiful handiwork.

Who has taken, or who will ever take the place of the ivory carver, Moreau-Vauthier, whose every work was so excellent that they all found a home in the collection of one of our greatest connoisseurs. He bought from the estate all the works that this artist had left and in the whole number there was not one showing poor workmanship.

The membership of the Société des Arts Décoratives of Paris is made up of lovers of industrial art, and the leading artists who devote their time to industrial art, as well as the heads of firms who devote their commercial activities to its production, receive encouragement from this society by the purchase of one or more pieces of the highest artistic value each year. This has been done for some 20 years, and the wonderful collection of art objects which they gathered and displayed in their three rooms at the Paris Exposition of 1900 presented a startling array of meritorious works produced by contemporaneous artists. This exhibition was so much appreciated that the municipality of Paris permitted the society to use part of the magnificent marble palace known as the Musée Galliera to permanently house its collection, and every year, in addition, an exhibition is held of some special class of work such as jewelry, lace, leather work, wood carving, etc. In this way examples of all the finest known products are brought together for the education of the artist and the artisan as well as for the pleasure of the collector and art amateur.

A retrospect of art, both of fine and of industrial art, reveals the many landmarks where some individual of original power of thought and ability has founded a school or industry, making his place of birth, or his later home, famous for the products of his genius. These men have belonged to no special time, place, class or religion; but their inspiration has made their own work great; they have inspired others who have carried out and developed their art; and in some cases the pupil has been greater than his master.

Such periods of artistic achievement were always either the outcome or the forerunner of commercial greatness. Their areas have varied in extent; but generally they have included less than one half of the European continent. The means of travel were slow in those times; but at present the farthest point of the world is scarcely more than a month's journey away. If, therefore, great artisans the world over were brought, a few at a time, to a great central institution of art, there to create their masterpieces with the leisure requisite for perfect ideals, as the great masters came to the kings

and nobles of old, we should have as a result the finest art products of the age. And still more — with such instructors the picked students would be inspired, and like the students of the olden time would carry out the tradition of their masters, and perhaps become even greater than they. Their works would command the attention of the entire world; and a class of men would be developed in the special fields that sorely need them, creating productive works and preventing the outpour of millions of dollars yearly to foreign shores. There never has been a country more affluent than is our own today, or a people more anxious than ours to obtain, and more intelligent to appreciate, the finest handiwork of man, or the richest products of nature transformed by his handiwork. Nothing is too expensive for such patrons of art, providing it has true merit. The fact that European art collectors are alarmed at the absorption of old art treasures abroad testifies to this, and many a modern European artist has received his first substantial encouragement from an American or from a dealer who was representing one. No less an artist than Barye¹ was discovered and encouraged by the late W. T. Walters.²

It would take more time than is at my disposal to go fully into all the details of such an industrial art institution. But among a few of the principal things — essential and beneficial requirements — this institution should have a shop for casting large or small bronze, copper, iron, tin or other metals; a smithy where iron or other metals could be forged, either massively or like the most delicate petal; a filing room, to produce anything from a gigantic gate to a small key, and in steel, iron, brass or other required material; kilns to fire the finest porcelain vase or the rudest bit of faience, and the means to decorate these with any known or new glaze; a verrerie, where every known form of glass could be worked, whether blown, molded, engraved or etched; a wood-working shop for the carving of choice objects, great or small; a press to strike medals and allied material; a printing room for the creation of special types and illustrations, and presses of various kinds to teach printing as a fine art in every branch; and a bindery perfect in every detail, to bind the simplest or the finest book. Special artists should be secured as teachers, to remain only for definite periods of time; and students who possessed true talent,

¹ Antoine Louis Barye, born in Paris, 1795; died 1875.

² William Thompson Walters, born on the Juniata river, Pa., May 23, 1820; died Nov. 22, 1894.

though only partly developed, should be placed under their care. Correct instruction in drawing and modeling would mean much for such an institution.

There should be the means of keeping living objects of various kinds on hand, in order to supply the artisan with true models from nature. Material of little value would thus, by skilled handiwork, be changed into work of priceless value. It is knowledge and skill like this that adds so much to the wealth of France and Austria.

This ideal school of industrial art should be under the direction of a man well acquainted with what is best and greatest in the various lines just indicated. He should have some familiarity both with the teachers and the students, and a full knowledge of the possible demand for their work. Rightly administered, such an institution should, within five years, make itself known and felt in all parts of the civilized world.

The title N.A. is the ideal of every American artist just as the English artist aspires to that of R.A. At present, to what can an industrial artist aspire? Why should not an annual exhibition of industrial art be held in the City of New York, and why should not I.A.A. (Industrial Art Academy) or I.A.I. (Industrial Art Institute) have an equal value with the other titles?

Criticisms have been frequently made that Americans are not art lovers, and a number of foreigners assert that Americans are buying fraudulent antiquities and that they are responsible for the thefts that have occurred and for the breaking up of many collections. The fact that these collections are absorbed by the United States is only an evidence of the desire on the part of the American people to obtain the best material, of ancient as well as of modern art, and no laws that may be enacted by any foreign government, and no barrier or dam that they may erect, will prevent art objects from gravitating to the place where the collector or museum is ready to pay the greatest sum of money.

It is the abuse of the customs laws, frequently due to representations made by unscrupulous dealers, that has had much to do with the placing of all art objects or pretended art objects on the same level. Unfortunately, the duty is not imposed on a price that represents the actual cost of the article when made, but on that at which the article is invoiced, so that on a scarabaeus costing \$10 to make, and which commands \$200 on account of its antiquity, the duty is not levied on the \$10, but on the \$200. It is the same with the painting for which the artist may have received \$1000; because

the collector has paid \$20,000, \$50,000, or \$100,000 for it, the duty is placed not on the cost of production alone, but also on the value of the object as an antique. There is no doubt but that this is a great injustice and it is certain that, if some arrangement could be made by which a given duty would be placed on all art objects, whether bronzes, statues, or paintings, this duty being imposed on the cost of production and not on the acquired value, many treasures of art would come to this country. We know of a single collection, representing some millions of dollars, that the owner has finally decided he will never bring to this country on account of the existing custom laws. There is no doubt that this is a great injustice to art lovers and art students, as well as to the generous collector who would be willing to buy objects of art. The placing of such a duty on art objects as is here proposed would prevent the bringing of the poorer works of art to this country, as in that case, no matter what the quality of an art object might be, there would be a fixed sum of duty upon it.

THE CONVOCATION DINNER

The Ten Eyck — Friday evening, October 18

THE NEW EDUCATION

HARRY PRATT JUDSON PH.D LL.D., PRESIDENT CHICAGO UNIVERSITY

A fact familiar to all thoughtful teachers is the inevitable tendency of education to become a matter of routine. The teacher has with him a constant succession of youth, "the everlasting boy," presenting apparently an endless sameness of character and conditions; and following the line of least resistance, the teaching is apt to be a presentation of the same things taught in the same way year after year. Naturally the teacher gets a certain facility in doing things which he has thus done many times, and it requires the minimum of effort to repeat, while to devise a new way takes time and trouble and weariness. The German professor who prepares at length a course of lectures may read them without change for 20 years, thus relieving his time and strength for the writing of books. The American professor who taught mathematics for 30 years in a small New England college became so thoroughly set in his ways that the textbooks, handed down from class to class, were annotated with the illustrations and witticisms to be expected at any given point — and expectation was never disappointed. The good man's mind acted under the familiar principle of the association of ideas and when a certain topic was reached, the jest, doubtless not in his consciousness for a full calendar year, was automatically suggested and spontaneously repeated. It was no longer wit, but a bit of interesting mental mechanism. This is significantly illustrative of the strong tendency to which all teachers are subject — in many cases irresistibly subject. In short the tendency of the profession is to convert the teacher into an efficient, smooth running, automatic machine.

There is of course an undoubted benefit to be derived from this phase of education. There is a saving of time for the pupil — he is led rapidly and readily along a beaten path. The teacher knows in advance all the difficulties, and just how to meet them. The teaching, as teaching, may be, must usually be, on the whole far more effective. It becomes what the schoolmaster is apt to call

“drill,” and the results, especially as tested by examination, may well be brilliant. The routine efficiency of the veteran teacher is in fact a species of professional expertness, and has elements which are little short of indispensable.

But this picture has another side. In not a few teachers routine dominates — it is not that the teacher has an effective method, the method has the teacher. He loses initiative, he ceases to grow intellectually, he is no longer alert and flexible. Sooner or later the processes become unintelligent, and the pupil is merely ground remorselessly through a soulless machine. Society develops, new conditions arise, new social forces are operative, new knowledge illumines the world. But education does not sensitively respond. The inertia of routine is hard to overcome, and like the tides of the ocean, education is apt to lag behind the pull of the forces of progress.

But the world changes. Knowledge broadens ideas and quickens intelligence. Society assumes new forms, and creates new ideals. Sooner or later revolutions reach education also. The young must be prepared for the future and not for the past. If then the coming age differs radically from the past, education must be reconstructed accordingly, both in aims and in methods.

The Renaissance was a wonderful quickening of the intellectual life of Europe. The old knowledge, so long lost, was recovered, and the Greek writers seemed to afford an inexhaustible store of riches for the mind. Men once more began to think, and there seemed to be a new heaven and a new earth. Presently the old monkish schools were seen to be inadequate for the new age. A new education was created, an education in the literature and the knowledge of Greece and Rome. The classic masterpieces of ancient thought became the material of the new training — as fresh, as in vigorating, as full of power, as if they had all been newly created. Schools and colleges were revolutionized. But the institutions of learning did not lead in the new movement — they responded, somewhat tardily, to new social ideas, thus at last aiding in the revival of learning — and aiding powerfully, no doubt. Still, their status was secondary and subordinate — they did not create.

The last two centuries have been marked in the history of thought by a marvelous development in material science. The discoveries and their applications have again revolutionized society. The whole method of thinking has been transformed, and human life has attained vastly greater powers. A new world was opened

to Europe by the adventurous voyages of Da Gama and Columbus. A far wider world has been disclosed in our time by the revelations of science—a world, unlike Asia and America, which seems to have no limit. Aerial telegraphy, radioactivity, anesthetics and the mastery of bacteria, merely hint at some practical uses of a portion of the new knowledge. The currents of modern life run strong and full, and they are no longer pent in by narrow bounds. Who can tell what may be the achievements of the next decade even? The limits of human possibility have vanished beyond the scope of the vision even of thought.

As the 20th century opens with this wonderful new aspect of life and its activities, it becomes plain that education has already responded, and to a large extent has already been re-created. The college curriculum of a half century since and that of the present are bewilderingly different—different in content, in aims, in methods. The old time classical academy and the modern high school are as strikingly unlike. The catalogue of Williams College for 1837–38 lays down these requirements for admission: “Candidates for admission to the freshman class are examined in geography and vulgar arithmetic; in English, Latin and Greek grammar; in Virgil and Cicero’s *Select Orations*; in Caesar’s *Commentaries*, or Sallust; and in the Greek Testament and Dalzel’s *Collectanea Graeca Minora*, or in the Gospel’s and Jacob’s *Reader*.” I leave it to the schoolmen present to compute the time required to master these specifications, and to comment on the absence of English, of history, of science, of any modern foreign language. The college curriculum for the same year contained in the main Greek, Latin and mathematics. There was one term (one third of a year) of chemistry, two items of natural philosophy, one term of astronomy, a few stray lectures on anatomy, mineralogy and geology. There was one term of French, which was made optional with a corresponding amount of Hebrew, or of mathematics. It may readily be presumed that student laboratories did not exist—with the honorable exception of an astronomical observatory, in which the use of instruments might be learned. This observatory was new in that year. One of the last subjects in the senior year was “Leslie’s short method with deists.” Again I leave it with schoolmen to contrast this college course with that of today, and to put in the balance the graduate of a modern high school of superior quality with the college graduate of 70 years ago.

The reconstruction of modern education has within the last generation gone on rapidly and has indeed gone far. But the process has by no means completed its cycle, and it may be worth while for us to consider whither it may be tending. I do not expect unanimous agreement, perhaps not general agreement, with what seems to me the goal in sight. I can only point out the situation as I see it.

It seems to me that education today has distinctly a new point of departure and that we are in the process of developing a new interrelation of schools. The old lines are melting away, and, rigid as an educational system is bound to be, gradually a new system is taking form. What are the facts?

We may safely begin with the postulate that on the whole experience seems to show that education works from above down rather than from below up. In other words, in the development of educational activities it is the colleges which influence the development of secondary schools; it is the high schools which strongly influence the development of the common schools. Of course any of these graded schools might exist and in many cases have existed without those above. The attractive influence however of higher institutions on lower has always been strong—indeed irresistible. Within my own experience some years ago, the entire high school system of the state of Minnesota was so directly stimulated by the action of the State University that within a very few years the number of high schools was multiplied by ten and their efficiency was multiplied by even more than that. In other words, without the State University there would have been throughout the state a small number of high schools, a few strong and more feeble, and all lacking coordination and impetus. Under the influence of the university the state has many high schools definitely coordinate with a common purpose and common ideals and liberally supported.

In the light of this well known fact we must consider at the present time what is the actual point of departure for educational advance. This I think undoubtedly will be found in the present day highest conception of a university. Of course we use educational terms loosely in this country, almost as loosely indeed as we give academic degrees. Still out of all the confusion there is emerging a very definite idea of a university which is quite different from the conception of that institution in past generations. From this point of view the university is not primarily, as in Oxford, a group

of colleges. Nor again is it necessarily merely a group of professional schools. Again it is not altogether and fundamentally a place for teaching. The two thoughts underlying the modern university are these: First, the institution must contain a faculty of specialists who are engaged in active production. In other words, they are busily investigating various fields of science and seeking to discover new knowledge. Ideally the university would cover the whole field of thought and should be composed of investigators in every field. Practically, however, it may easily be the case that in a given institution some fields are more strongly developed than others, while some fields may be wholly neglected.

In the second place, corresponding to this investigative and productive faculty of specialists, there is a body of students who in turn are learning to be specialists. This involves on their part the mastery of given fields of knowledge in the first place, and in the second place learning for themselves to become original workers within their fields. Obviously this body of students form on the one hand the advanced professional schools, and on the other the so called graduate schools. By advanced professional schools of course I mean those which are not intended as short cuts to a profession, but those which, based on a thorough preliminary training, aim to develop only the strongest professional specialists. By "graduate schools" again we mean the aggregate of students who in like manner are becoming specialists in any or all of the various departments of knowledge, outside of the different specific professions, like law and medicine. The term "graduate schools" has been used in this country as a mere practical convenience. It is not perhaps unlikely that, in the natural evolution of our universities in the larger sense, this temporary designation will disappear, as the need for it is lost. A school of chemistry, of history, or of classics, planned for the development of the most advanced specialization, is no more and no less a graduate school than is an advanced school of law or medicine. The requirement of a baccalaureate degree is an incident in the more vital character of the work.

It will at once be seen that of the university as thus understood the college is by no means an essential part. That the college exists in all our universities is an accident resulting from the history of university evolution. Real universities in some cases have grown from mere colleges, by reconstruction and the superposition of the university idea. The college therefore remains as an organic part

of the university. In other cases newly created universities have found it necessary to establish a college, partly to supply local needs, partly to secure well prepared students for university work. But so far as distinctive university purposes are concerned, these colleges might disappear without detriment.

In such institutions the college is assuming a new character. The college degree is no longer the acme of scholastic attainment. The college senior is no longer the dignified being of former generations — he is in fact but a beginner in the university. Thackeray points out in his inimitable way the value to a young man of association with his superiors. The college senior in a real university has this advantage — he is chastened in his own estimation and no longer looks at the world from a height.

Moreover the university idea permeates downward. The college professor is less inclined to teach dogmatically, the college student is getting more in the way of at least elementary original work. The college horizon is further away from the center. The bump-tious college graduate of Horace Greeley's day is rather rare now. The university has chastened the college. Moreover, the college curriculum as it now exists overlaps to a considerable extent the real field of the university and at the same time includes within its scope not a little which in content and purpose belongs essentially to the secondary school. So far as the college student devotes his time to making a large advance in the mastery of specific subjects, he is entering on university work. So far as he is seeking a general training, and is providing himself with the tools which he may need in ultimate specialization, he is in fact merely extending his academy course. In short, the college course falls roughly into two parts — one of subjects which may quite as well be handled in the secondary school, the other of subjects which are university in character and treatment. What follows?

In the first place, schools are being created which cover the customary four years of the usual secondary school, and in addition the first two years of the usual college course. The graduates of such schools easily enter at the middle of a college course, and may well be ready to enter on special studies of university character. In Illinois two largely endowed schools of this kind, the Bradley Institute in Peoria, and the Lewis Institute in Chicago, are now well established. Many large public high schools already offer courses in advance of the regular four years curriculum, reaching in many to the amount of one year, or in some cases of two years.

In mathematics, in classics, in modern languages, in not a few other subjects, such schools may easily be equipped to do the same work done in most colleges, and to do it quite as well.

Further, wherever such extension of the work of a high school is locally practicable it has also a decided local advantage. Many young men and women finish their schooling with the high school because there is no local college at home, and because they can not conveniently leave home. Proper facilities for extending their studies in the high school would at once attract many who otherwise would stop short of the attainments which they really desire.

Moreover, rounding out in this way the course of study it may fairly be inferred that a reasonable number would desire to go further, and thus that still more in the end would enter college. This is the constant experience of the schools to which I have referred. The high school is often called "the people's college." It would indeed be that, should it carry on its work to the legitimate academic end. There would then be a direct connection between the academy in this sense and with this purpose, and the university as we now understand it.

I do not mean to imply that there should at once be a cleavage in an established college, the first two years being relegated to the secondary school and the rest being fused with what we call a graduate school. This may be the outcome in the future. But it seems to me quite likely that there would be an increasing number of high schools and academies which will cover more than the present four years course—that more and more the colleges will accept such work for advanced standing—that thus in time there will be an increasing number of students who enter college to go directly into real university work—and that thus in such institutions the emphasis will fall more and more on the university idea. Taking the nation at large, educational systems are not created—they grow. It seems to me that we see here the direction in which the new education is growing.

We often hear it objected that the colleges exert an unfortunate influence on the secondary schools—that the latter are dominated by the college idea, while in fact the vast majority of high school students never go to college at all.

Whatever truth there is in this seems to me to come from the rather narrow view which we college men are apt to hold of the character of a college preparatory course. Is it not reasonable to maintain that any boy or girl who has passed successfully through a

full four years course in a good high school ought thereby to be prepared for admission to college? Ought not the college course to be so flexible that any such student should find a place and be able to enter profitably on some course of study? He may have less of some desirable things than maybe he wishes, but does it not follow that ipso facto he has more of others? May not the first two years of the college curriculum be arranged as a sort of clearing house, whereby subjects may in the end be practically equalized?

In short, when our high school curricula get to be somewhat less scrappy, and contain more well digested systems of study, and when on the other hand our college curricula and entrance requirements are more elastic, then the objections which I have mentioned will vanish. A school training which is good for life ought to be good for college—and a training which fits a student to enter college ought to be a good preparation for life. There is no incompatibility.

But in the new secondary schools, in the new college, in the new university, is culture to be lost? Culture is, or ought to be, an incident of any well devised course of study. It can seldom be sought directly. Like fame, when grasped in the hand it vanishes. Under any plan our institutions of learning will always graduate a certain proportion of uncultured men. Culture will always be found in the adequate pursuit of truth, whether in Greek or in chemistry. We need not despair.

The essence of the new education which has taken form under our eyes, then, I conceive to be three things: The first is flexibility in schemes of study—a breaking up of the old time rigidity in curricula, and in the organization and interrelation of school, college and university. The second is special knowledge on some specific subject—the educated man should know some one thing, and should know it well. The third is the power of self-direction in getting at new ideas—in other words the power to solve problems. He is well trained who meets them fearlessly and who solves them promptly and accurately. That, in science, is the immediate end of the university. That in fact is the ultimate end of all education. To that are tending the dissolution of old educational forms and the evolution of new ones, which so dismay some of us. That is the real meaning of the new education.

EDUCATION AND CITIZENSHIP

HON. WILLIAM NOTTINGHAM PH.D. LL.D., REGENT OF THE UNIVERSITY
OF THE STATE OF NEW YORK

In an assemblage like this composed chiefly of those actively employed in training the youth of the land, it may not be amiss to speak briefly, from a practical standpoint, of the relation of education to citizenship. Aware, as we must be, of the power and efficiency of education as a benevolent force among us in molding and directing the individual, it should, we would naturally infer, be given the widest influence in that higher sphere of activity embracing his relations to the State. But strange as it may seem, until a comparatively recent date, where there should have been in these things a close alliance and active cooperation, unreasonable estrangement and jealousy have instead existed. Within the memory of most present the "literary feller" was the subject of contempt in the field of practical politics, scouted as an interloper, and scoffed at as impractical and useless. The source of this prejudice manifested itself also in other ways. Not many years ago, in a not far distant city, a very effective argument was made against a learned and accomplished candidate for Congress based upon the broad ground that he dined at 6 o'clock in the evening instead of at noon. This may serve as a note of caution to any among you who may have political aspirations.

More recently, however, in the behalf of which I speak a remarkable change in popular sentiment has taken place. You have all doubtless observed this. The increased facilities for university education, the higher standard of attainment required for entrance to the learned professions, the multiplication of technical schools, and the demand for better training in all the applied sciences and greater skill in the industrial arts have worked together to spread among the masses the desire and respect for advanced education along all lines. No more beneficent thing could happen to our people, and no better assurance be given of permanent progress.

A very eminent publicist has characterized our country as "a land of change," and for that reason declined to make any prognosis of our case or definite prophecy concerning our destiny as a nation. It may be that the shifting of public opinion upon important ques-

tions has given some warrant for this criticism, but we believe that the result has been a gradual trend in the right direction.

Our situation is peculiar and can not be compared in natural conditions with that of any other country. We have a land that is wellnigh limitless in extent, boundless in resources, and yet but partially developed. In these respects we have no parallel among civilized nations except perhaps in the case of Russia. This fact, and the freedom we afford, make us the land of opportunity, the refuge of the discontented and oppressed, and the Mecca of the wage earner of the world. Hence arises one of the serious problems that confront us, growing more serious, the vaster we become. In the last two years more than a million immigrants annually have landed upon our shores. We can not truthfully say that they are from the best classes of the countries whence they come. Those who are contented and prosperous do not emigrate. During the several centuries past our domain has been gradually settled, mostly by the various nationalities of Europe. Their amalgamation here has left us a people so mixed that we have been fitly characterized as an "ethnic stew."

From this commingling of the races there has sprung a distinct nationality called the American people, with all the attributes of an advanced civilization, and having the best representative government on earth. This result must be attributed in a large degree, at least, to two causes. In the first place it is doubtless true that without this mixture of the races the United States of America would never have existed, or else, long ere this, would have crumbled into pieces and passed from the family of nations. In the second place, it is just as probable that without the common school republican institutions on this continent would have long since fallen into decay or lapsed into despotism. As we travel through our country from the Atlantic to the Pacific, we can not fail to note the significant fact that in every community, city and village through which we pass, whether by the lake or the river, upon the plains or in the mountains, the schoolhouse is one of the best buildings we see. This is the emphasis placed by our people upon the value of education as a conserving and uplifting force. This fact should give us confidence for the present, and assurance for the future.

The questions that I am here to ask, and try briefly to answer, are; first, do we as a people secure the maximum benefits of the school—are we giving this institution its fullest possible effect upon the citizenship of the nation? Second, are we so protecting the personnel of our body politic as not to handicap its influence?

It can be said in reply to the first suggestion that we have commenced to do something in this direction. But we can, and ought to do, much more. We have ordained June 14 as Flag day for the public schools. The ensign of the government floating over the school buildings of the land is a grand sight—a source of patriotic inspiration. But we must needs pursue this lead farther and dig deeper to reveal the pure metal we seek. The school should be the outspoken, aggressive, fast and unfailing friend and ally of the nation, and the source of its most fervent and intelligent patriotism. A place should be found somewhere in the curriculum for a political catechism. If it is important to teach the rising generation in the schools of the dangers from the use of alcohol and narcotics, is it not also the highest wisdom to instil a genuine love of country and a knowledge of the simple principles of good government? A teacher should be considered remiss in his duty who allowed his pupils to depart from the sphere of his instruction without having a deeper affection for their native land and reverence for its institutions, a settled belief in the sacredness of the ballot and the duties of public office. Our educational institutions, from the lowest to the highest, should be the recruiting offices for the best standing army that a nation can possess, a conscientious and intelligent citizenship. Under such a régime I should hope that after a time we would not be compelled to confess a weakness in any respect of representative government; we should not be longer called upon to apologize to the intelligent observer from foreign lands for a lamentable failure in the government of our cities; I should expect that under such instruction and discipline a new generation would arise to take charge of the ship of state in whose minds indifference to political duties would be a disgrace, and corruption, treason.

To the second inquiry a less satisfactory answer must be given. If we expect through the agency of our schools to re-create, energize and elevate the body politic, we should not nullify or impair their influence by undesirable recruits from other sources. In the organization and conduct of government in this country, both state and national, we have been wise and prudent in many things; but we have certainly been very prodigal with the ballot. Our course in this regard has been sometimes marked with scant consistency. While we have in most states denied the franchise to the intelligent and patriotic womanhood of the land, we have at the same time

extended it to the alien but recently arrived among us with scarce a superficial scrutiny of his qualifications or character. For the comfort of the ladies I might say, however, that the present limitation of their political rights may be somewhat due to the reluctance of their own sex, for upon the Isle of Man full suffrage is granted to woman.

Futhermore, our naturalization laws have been unsatisfactory, and the administration of them lax in the extreme. To be convinced of this but a casual glance is required at the crowds which throng the courts just before election seeking admission to citizenship, and manned usually by a local politician or more likely by a "ward heeler." The oath of the applicant is perfunctory, and little understood, and the corroborating affidavit of a friend readily procured. This generally ends the ceremony, and the process of making a citizen is brief but complete. Of what avail are laws to prevent corruption at the polls while we supply the material upon which it thrives! We have noted, however, with satisfaction that one of the judges of the Supreme Court of this State has recently radically changed the usual methods pursued, and rejected the applicant who could not respond to an intelligent examination.

Citizenship is conferred by authority of the national government, and its naturalization laws are administered by the United States and state courts; but the elective franchise is the gift of the states. Their laws, however, in this respect are loose, incautious and lack uniformity. Strange as it may seem, in nearly one half of the states the right to the ballot is given to unnaturalized aliens who have merely declared an intention to become citizens, and in some cases they are required to have been in the country only six months.

When we consider that there are already in these United States more than 6,000,000 persons of the age of 10 years and upwards who can not read or write the English language, or in fact any language, and that this quota of ignorance is being increased by immigration every year, the importance of the question before us becomes apparent. It ought, at least, to stir us to take concerted steps for our own protection. It is not likely, for several reasons, that this immigration will cease or even diminish. While the reward of industry among us continues as attractive as it has been, and still is, the toilers will come from the four corners of the earth. Since the foundation of the government there have from time to time been a fear and jealousy of this peaceful invasion of our land by the people of other countries, but neither this fear nor

jealousy has prevented or will prevent them from coming. As the peoples of the earth rise in the scale of civilization national barriers tend naturally to subside. The time comes when we can not without embarrassment, and it may be a violation of treaty obligations, say to a nation which buys our goods, receives our missionaries, adopts our customs, welcomes our civilization, and perhaps embraces our faith, that its citizens shall not live among us whatever be the color of their skin. And, as we have said before, the best class does not come; but more likely the poor, the discontented, the ignorant and vicious. Our common school has little chance with the immigrant himself, but must exercise its miraculous molding power upon his children and the subsequent generations born in this country.

Our naturalization and ballot laws should be revised. We handicap the influence of the schools when we throw wide open the doors of the elective franchise to the new and unworthy alien. It must be remembered that residence among us does not entitle one to citizenship, and that citizenship does not necessarily carry a right to the ballot. It behooves us to carefully guard the integrity of the latter. It is the palladium of our liberties, and instead of being an article of merchandise or the subject of careless gift, should command from us an almost religious reverence. The high privileges it carries should not be carelessly bestowed upon the ignorant or the unfit or any one without a good understanding of our form of government and a thorough sympathy with our institutions. The truth should ever be uppermost in our minds; that in the hands of an ignorant or vicious electorate representative government can not long survive.

Saturday morning, October 19

INDUSTRIAL EDUCATION IN MASSACHUSETTS

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During the past two years industrial education, under state auspices, has been energetically advocated in Massachusetts, and during the past year the state has taken active steps to promote the establishment of schools for the training of workers in all the important industries of the commonwealth.

The first Commission on Industrial and Technical Education, appointed for one year by Governor Douglas more than two years ago, made an important report (in April 1906), on the need of industrial education and industrial conditions in Massachusetts; and recommended a statute requiring the Governor (Governor Guild) to appoint a commission on industrial education. This statute was modified by the Legislature, and adopted. The commission consists of five persons appointed for a term of three years, and is charged with the powers and duties enumerated below.

The present commission (Governor Guild's commission) on Industrial Education was appointed on August 31, 1906, and was organized in the following month. Since then, it has been actively engaged in the endeavor to carry out the provisions of the statute under which it was appointed. The most important provisions of that statute are as follows:

- 1 To continue the investigation into industrial conditions and industrial education begun by the earlier commission, and to provide for lectures on the importance of industrial education and kindred subjects.

- 2 To visit and report on all special schools in which industrial education is carried on.

- 3 To initiate and superintend the establishment and maintenance of independent industrial schools (i.e. schools independent of the existing public schools), including schools for instruction in the principles of agriculture and the domestic and mechanic arts, for boys and girls in various centers of the commonwealth, with the cooperation and consent of the municipality involved or the munici-

palties constituent of any district to be formed by the union of towns and cities; such schools to be for children over 14 years of age.

4 The commission has all necessary powers in the conduct and maintenance of industrial schools, and money appropriated for their maintenance by a municipality and the state is expended under its direction.

5 To provide in the industrial schools part time classes for children between the ages of 14 and 18; and evening classes for such persons and older persons already employed.

6 These schools are to be supported by money appropriated by the municipality and by the state, the state aiding in the maintenance of such schools, in proportion to the expenditure locally for schools. Each payment to any city or town, however, requires a special appropriation by the Legislature.

7 The commission is required, also, to report annually to the Legislature on the condition and progress of industrial education during the year, stating what industrial schools may have been established and the appropriations necessary for their maintenance, and further to make such recommendations as the commission may deem advisable.

8 Especially the commission shall consider and report at an early day on the advisability of establishing one or more technical schools or industrial colleges, providing for an extended training in the working principles of the larger industries of the commonwealth.

9 The commission must appoint a secretary, who is to be its executive officer.

Under this statute the Commission on Industrial Education has been carrying on its work. It was important that the secretary of the commission should be a man of broad experience, of good training, and of unquestioned interest in industrial education. A circular letter was sent to consulting engineers, heads of manufacturing establishments, business men, editors and others, defining the qualifications which the commission desired its secretary to possess, and asking for suggestions as to suitable candidates. This letter brought many responses, with the result that the commission considered carefully the various qualifications of 67 different persons. Their choice finally fell upon Mr Charles H. Morse. Mr Morse has been superintendent of the Rindge Manual Training School, Cambridge, since 1895; and, in addition to the administration of this school during the past 11 years, Mr Morse has been called as a

mechanical and electrical expert in nearly 200 cases in the courts of Massachusetts, New Hampshire, and Rhode Island. He has done work as consulting engineer for several railroads and street railroads, and for various private individuals. For some years Mr Morse has been one of the directors of the Massachusetts Charitable Mechanics Association Trade School, Huntington Avenue, Boston; and for two years he was, without any cost to the city of Cambridge, principal of its evening school of trades, which is carried on in the Rindge Building. In assuming his duties as secretary of the commission, Mr Morse laid aside all other remunerative work of whatever description.

Mr Morse was appointed secretary of the commission on January 1, 1907. Until that time it had secured the services, as temporary secretary, of Mr Robert A. Woods, head of the South End House, Boston. The commission had, however, begun its work immediately upon its organization in September. An extremely important duty of the commission was to inform itself concerning the data of the comprehensive and complicated problem with which it had to deal. It has, therefore, studied existing industrial schools in Massachusetts and elsewhere; it has devoted much time to conferences with manufacturers, business men, and wage earners; and with teachers who had had experience in teaching trades in this country and abroad; and it has studied the report of the first Massachusetts Commission (the Douglas Commission) on Industrial and Technical Education (1906). The commission was thus enabled to work out a provisional plan for industrial schools in Massachusetts in the light of what was deemed necessary and feasible, and of what had been, in part, achieved elsewhere.

The commission soon discovered, as was expected, that members of labor unions not infrequently maintained an attitude of suspicion or even of decided hostility toward industrial education. But the commission has found, as a result of its conferences with the representatives of organized labor, a tendency to fairness on their part, which is highly gratifying; and it has come to believe that industrial schools, in accordance with the plans of the commission, can be founded in Massachusetts not only without the opposition of organized labor, but, in many cases, with its pronounced support. One notable instance of this support has already been afforded by the Central Labor Union of Pittsfield, which passed a resolution approving the plans of the commission and urg-

ing the city government to establish an industrial school in accordance with these plans.

Organized labor seems to recognize that industrial education is inevitable and necessary; and that it would be better to have this education organized and carried on under state auspices, in the interests of all concerned, rather than by individual manufacturing concerns who naturally would carry on such education as they might establish in connection with their factories primarily in their own interest. Organized labor also realizes, I think, that the welfare of the children will be promoted by a proper scheme of industrial education. The fear that such education might flood the labor market with strike breakers and with persons hostile to organized labor is not likely to persist in view of the fact that the schools proposed by the commission are technical schools as well as trade schools, that they distinctly avoid short cuts to the trades, and that their graduates are likely to be persons of great value to the labor unions themselves. Further, the recognition by the commission that such schools can not make a journeyman any more than a law school can make a lawyer, a medical school a doctor, or an institute of technology an engineer, helps to allay the distrust with which the proposed industrial schools are still regarded.

Two important aspects of the subject under discussion can not be treated specifically in this paper, and one closely related phase of education, equally important, can not be discussed at all. I shall have time to refer only incidentally to industrial education for girls, and to agricultural education for boys and girls; and shall have to omit all discussion of commercial education. I need all the time at my disposal to discuss the general problem of industrial education with special reference to the training of recruits for our leading mechanical industries. Nevertheless, as will be apparent, I trust, much of what is said will apply to all phases of industrial education for boys and girls, and for wage earners already employed.

The remainder of this paper is devoted to setting forth, at some length, as I understand them, the considerations that have led Massachusetts during the past two years to take the active steps described above for the development of industrial education. Heretofore we have planned the work of our public schools almost entirely with reference to "culture"; we have done very little to stimulate a vocational purpose, and less still to provide for the realization of that purpose. In other words, while the schools have

laid stress on culture as the end of education, they have laid almost no stress on preparation for a vocation. We may go farther, and say that the schools have sometimes even disparaged the vocational purpose in the training they give. They have been afraid of utilitarian aims, and, sometimes, by a curiously inadequate conception of their real function, they have even measured their usefulness by the extent to which they have kept the distinctly useful out of their work.

By way of illustration I need only cite the difficulty we have had in getting manual training for boys, and sewing and cooking for girls recognized as appropriate school subjects or activities. Manual training is, to be sure, not vocational training, as will be shown later on; but, whatever manual training may be, its bearing on such training is clear. And it was this obvious bearing on preparation for the vocation of the artisan and the engineer that caused the first advocates of manual training after our Centennial Exposition to urge its claims on the attention of the schools. But so strong was the opposition to teaching a utilitarian subject in the public schools that the claims of manual training for recognition have been based, until quite recently, chiefly on its "psychological" value. I do not wish to belittle the psychological value of manual training, but the strongest reason for giving it a place in our scheme of public education is that it introduced our youth to a sympathetic understanding of the constructive activities which constitute so important a part of contemporary life. It has not been entirely possible to rob manual training of its distinctly useful quality in public elementary and secondary schools, although the attempt has been made. Nevertheless, in many schools it has been pretty thoroughly academicized. This is one reason why so few of the pupils and graduates of our manual training schools become craftsmen. The manual training, like other school activities, has been used largely as a means of "general education," regarded as an end in itself or as preparation for further (usually technical) education. As for sewing and cooking, they too have been urged for their "psychological" value. But there has been more speedy recognition of the weightiest reason for giving them a place in the schools—namely, their *supreme usefulness* in view of contemporary social conditions and our enormous and increasing immigrant population.

It is strange that we should have been so reluctant to admit the distinctly useful into our scheme of public education—that

is, to admit that one of the functions of public education is to recognize the claim of elementary vocational training as entirely legitimate and desirable. For the principle of vocational training at the public expense has long been recognized in the field of higher education. The state normal schools of the country have educated teachers since 1839, and the state universities have educated teachers, lawyers, doctors, druggists and engineers, and they continue to do so; and the state agricultural colleges give training in agriculture, and often in engineering. Massachusetts, though without a state university, has long aided technical education by scholarships in the Massachusetts Institute of Technology in Boston, and in the Polytechnic Institute in Worcester, and by direct grants of money to those institutions. Massachusetts also maintains, partly at public expense, three textile schools for the training of textile workers who desire to rise in their calling.

Our elementary schools and our high schools together constitute, theoretically at least, one continuous educational scheme through which a youth, whatever his circumstances in early life may be, may secure the elements of general culture; and through which, if his circumstances permit, he may attain, on the basis of the preparation secured in school, a college education; or enter at once on professional study in nearly all the professional schools of the country. We have thus planned our educational scheme primarily in the interests of those who have a long educational career ahead of them, and who need not therefore give any immediate attention to preparation for a life pursuit.

Nevertheless, it is well known that the great mass of our children and youth are obliged to leave school at the end of the grammar school period, or when they have attained the upper limit of the compulsory school age — 14 years, in most states. That is to say, the public school system in which we take a just pride, as now planned, does not reach the great majority of our youth during the critical period of adolescence. This is the period when life aims begin to have a serious and lasting importance; when the child becomes a youth; when the habits formed rapidly acquire permanence; when the plasticity of earlier years gives place to stability. And because this is so, what happens to him then is likely to permanently shape his future. Yet during this period we send the great majority of our youth into the world without further systematic educational influence, and usually without any com-

prehension of the serious purposes of life or training in the endeavor to realize them.

The question which we have to answer is, what becomes of the great majority of these young people who enter their active life work at the early age of 14, with no preparation save that afforded by the general education of the elementary schools? Some inquiry into this question was made in Massachusetts two years ago, and it was found that there are probably no less than 25,000 boys and girls in that state between the ages of 14 and 16, who are not in school. They are at work in various kinds of juvenile occupations, or, they are idle. The boys become elevator boys, errand boys, office boys, they drive a wagon, or do other work in which they learn nothing, in which no demand is made on them for the application of what they learned in school; and consequently by the time they are 17, 18, 20 or more years of age, they have an earning capacity but little greater than that which they had when they first left school. And a similar fate overtakes the girls. Moreover, the unfortunate education of shifting experience and environment during these years does much to destroy both the substance and the spirit of the education which they received when in school. The result is that at the threshold of citizenship the great majority of these young people are actually more ignorant than they were when they left school. They are sophisticated, to be sure, but they have seldom acquired the characteristics of substantial manhood and womanhood; and, as I have just said, economically they are but little more valuable than they were when they began to work. They have not become increasingly valuable "economic units." And the reason is, of course, that in the unskilled pursuits which they have followed it was impossible to acquire the character, knowledge, and skill which would give them an earning capacity proportionate to their years.

A striking illustration of what I am saying was offered by the elevator boy in the building in which the offices of the Commission on Industrial Education are located in Boston. This boy said to our secretary, "Can't you find me a job that would pay me better?" Mr Morse said, "How old are you?" "Twenty-one." "What can you do?" "Well, you see, I left school at 15; I have drifted about from one thing to another since; recently my father died and I find it necessary to earn more in order to help myself and my family." Here was a youth 21 years of age, with no capacity to do anything that is worth paying more for than the sum paid for

the juvenile services that he had been engaged in since he was 15 years old. This case is probably typical of the great majority of the 25,000 young people in Massachusetts to whom I have referred, and it is only too probable that what is true of Massachusetts is true of other states. The investigation referred to above also revealed the fact that a large proportion — the majority — of these children would be in school between the ages of 14 and 16 if the school afforded a training that promised increased earning capacity. It is fair to conclude, therefore, that the present condition of many young workers, typified by our elevator boy, is preventable.

Moreover, it is clear that the most valuable resources which any state has are its young men (and young women). It is clear that the greatest waste is the waste of these resources. The failure to develop them to their fullest capacity is an irredeemable failure. Boys are not wanted in the industries until they are 16 years of age, and in some industries they are not wanted until they are past 17. If, therefore, between the ages of 14 and 17 these boys are allowed to drift, or if they go about from one occupation to another in which they do not develop such capacity for mechanical pursuits as they have, or if they remain in school and the academic traditions prevalent there turn them away from the trades, as is not uncommon, they too commonly go to swell the ranks of the unskilled and, as they grow older, of the dissatisfied, the stranded, and the dependent.

Although boys are not wanted in the industries until they are 16 years of age, the years from 14 to 16 are, nevertheless, exceedingly valuable years for education — an education that teaches them the significance of a skilled vocation, and that helps them to explore their capacities and their tastes for the vocations in which skilled labor is needed. These years are, therefore, extremely valuable for the purposes of industrial education. What the nature of that education might be I shall describe later on. I shall first sketch the difficulty which boys now find in learning a trade without special preparation.

Under the specialized condition of modern industry it is usually exceedingly difficult for a man to learn his trade in the shop, and sometimes impossible. The old apprenticeship system which enabled a man to learn the whole of a trade is dead. It is well known that today the man in the shop works at a part of the product with a given machine and knows little of what is done toward the completion of that product by other men and other machines. He is

a narrow specialist, working day by day at the same kind of work under precisely the same conditions, the machine requiring but little exercise of thought or ingenuity. Usually he knows little or nothing about the machine itself. The shop has machinists who repair the machine. Under such circumstances a man loses the habit of thinking, since no demand is made on him for thought. It is true, to be sure, that all men have not "all the conveniences for thinking," even if they were called upon to think, but under the exigencies of the modern shop the habit of thinking is rarely developed. This specialization in modern industry is, however, highly profitable to the manufacturer. It is one of the reasons why goods can be produced so quickly and so cheaply. It is, therefore, like other modern developments, a condition which will survive.

In a shop if a man wishes to learn his trade, he has, as was said a moment ago, great difficulty in attaining his end. What happens is usually something like this. A youth applies for work in a shop. He is put, let us say, on a milling machine. He learns in the course of a few weeks to run that machine. Meanwhile, of course, he spoils more or less material. The machine is subject to his ignorant handling, and necessarily gets more or less out of repair. The product which he turns out is more or less imperfect in quality and the total result is, temporarily at least, a loss to the manufacturer.

If the youth is ambitious, he naturally desires to learn to run the other machines of the shop; but when he asks the foreman to be transferred to another machine, he will be told, "You are doing well enough where you are." The reason, of course, is plain. Every time he is transferred to a new machine the process previously described is repeated. If there are 100 or 500 raw men in a shop, the loss to the manufacturer is considerable. The shop exists for turning out products, and not for teaching men how to turn out products. In the shop, therefore, no one has the time, and very often no one has the inclination, to help a man to learn his trade. That isn't what the shop is for.

What happens, then, to our ambitious young man who persists in his intention to learn his trade? He quits; and applies for work at another shop, asking for work at another machine, saying that he is, let us say, a lathe hand. Meanwhile, he has naturally become somewhat familiar with a lathe and knows something about the working of it. Shortly after he begins his work as a lathe hand, the foreman comes around to see how he is getting along,

looks at the work and says, "You can't do this work; you can go. — Naturally the man has to go to another shop, and there the process is repeated with the possibility, however, of a longer stay. The procedure an ambitious man will continue until he has made himself, by repeated changes and brief periods of practice, a lather hand and can do satisfactory work. I have heard of one man who repeated this process 19 times in his endeavor to learn his trade. It won't do to talk to such a man about the dignity of labor. By such a procedure a man may require six or seven years to learn his trade; and even then he commonly learns only the processes of the trade and not the theoretical foundations of it. The mathematics, drawing, science, and the rest, applicable to his particular trade, are inaccessible to him. He has little opportunity to develop "industrial intelligence," and the "shop and business ethics" that grow out of insight into and consequent interest in his work, and the sense of responsibility born of conscious resources as a workman and a man. Consequently, although he is better equipped for steady work and for possible promotion to a foremanship than the ordinary specialist, his further progress is obstructed, if not prevented, just at the point where he could become most valuable to himself and to his employer.

It must be remembered that the great mass of young workmen are not ambitious and persistent enough to follow such a difficult road in learning their trades. The result is that most of them fall by the way; they become narrow workmen who can handle a single machine only, and whose prospects of an upward career in their trades are consequently very meager.

Now let us follow the body of ambitious workmen whom I have described as persisting against tremendous odds in learning their trades so that they can be useful in any part of the shop and, if possible, rise to the grade of foreman. Such men constitute an army of workers who are going from one factory to another, "stealing their trades," as the phrase is. These men spend too many of the most valuable years of their lives in overcoming obstacles to a career of usefulness—years that should represent steady progress in that career. Moreover, they can not become attached to a locality, and the steadying and inspiring sense of usefulness to a single employer or manufacturing concern can not be realized.

Many manufacturers have encouraged their employees to seek instruction by correspondence, and the extent to which our artisans

avail themselves of such instruction is remarkable. For example, out of 1700 employees of the Stanley Electric Works at Pittsfield, Mass., 300 were last year enrolled in correspondence courses. This is decidedly creditable to American workmen, and it is not discreditable to the correspondence schools. But the disadvantages of instruction by correspondence only are great and obvious. Moreover, since a considerable number of those who enrol in correspondence courses do not for various reasons continue them, a considerable part of the money paid for such courses is wasted. They do, however, afford the sole available means to many persistent and ambitious men to secure the theoretical instruction on which their upward career depends. Besides the correspondence schools, the Y. M. C. A. and other philanthropies offer some opportunities for industrial education to men already employed in the trades. Public schools for trade instruction, aside from the public evening drawing schools, are very rare. In Massachusetts there are only two such schools, the public evening school of trades at Springfield, and a similar school in Cambridge, and these schools are primarily for men already in the trade.

It may seem odd that under such circumstances the manufacturers themselves have not more frequently established schools in connection with their establishments for the training of apprentices. But it is clear that such schools are expensive, if they are in the interests of the workmen as well as of the employer. And hence only the largest manufacturers can undertake such apprentice schools anyway. Examples of such schools are found in the General Electric Works at Lynn, Mass.; in the works of Brown & Sharp at Providence, R. I.; of the Baldwin Locomotive Works at Philadelphia. But the manufacturer prefers to employ the men who know one machine. He gets his foremen from other shops, or from Europe; or he may try to train the foreman he needs in his own shop, usually with many disappointing experiences.

Nothing is clearer, however, than that the means hitherto employed are inadequate to meet the demand for skilled labor. During the past year manufacturers have said to me repeatedly that if they could find the skilled help which they need, they could double their plants and hence largely increase or double their output, and that they never have as many foremen as they need. On every hand the need of skilled labor is deplored, and yet we have done and are doing comparatively little to meet this need.

It is well known that a state like Massachusetts depends on its industries for its life and prosperity. We are poor in material resources. We are rich in the best resources which any state possesses—men, the resources to which I have already referred. If we develop them as we might, we shall not lose our position among the manufacturing peoples of the world, but we may look forward to an increasingly important place among them.

There is a specious American complacency which stands in the way of the proper development of our industry and commerce, not only in Massachusetts, but in the country at large. This was clearly exemplified at the exposition in St Louis. It is well known that the Germans who visited that exposition went away much impressed by the magnitude of our industrial and commercial enterprises, and the enormous wealth which resulted therefrom. But they told their fellows on their return to the Fatherland that they had nothing to fear from the American people as long as our complacency prevented us from seeing that it was only the abundance of raw material and the extraordinary ingenuity displayed in our industrial and commercial combinations which led to our success. As a nation we had yet scarcely begun to realize the importance of quality in our output, and of trained workmen in making the most of our resources; and until we did, it was not likely that a nation like Germany which emphasizes such training and the quality of its output had anything to fear from the competition of the United States.¹

Such comments, by thoughtful observers, contain a lesson that Americans should heed. Not long ago Mr Vanderlip of New York, whose name must be well known to every one in this audience, expressed himself, in substance, as follows: The remarkable prosperity of the United States is due chiefly to three causes: the great abundance of raw materials, our ingenuity in the invention of machinery, and our genius for commercial combinations. Not one of these three causes, however, can be looked upon as a permanent cause of success. Great inroads are being made on our raw materials and some of them are even now fairly well used up. Labor saving machinery and cheap production can not be a monopoly of the United States, for this machinery is obtainable the world over. American commercial combinations are being

¹ Monthly Consular Reports of the United States, January 1905, p. 229. Referred to by Prof. Harlow Stafford Person in his "Industrial Education." Houghton, Mifflin & Co. 1907.

imitated everywhere. It has never yet been shown that the cause of American success in foreign markets is due to the quality of the goods produced. In that respect we have not yet made much progress, and until we do we are, of course, at the mercy of those who are able to use all the resources which we possess and, in addition, to use them to better advantage. So far, Mr Vanderlip.¹

Germany is the classical example of a nation that has not neglected the development of all its resources, men included. I had the good fortune three years ago to spend the winter in Munich. In that city there are 40 different kinds of industrial continuation schools — schools for chimney sweeps, for coachmen, for hotel and restaurant waiters, for jewelers, shoemakers, carpenters, blacksmiths, tinsmiths, machinists, printers and bookbinders, and the rest. The name continuation school — *Fortbildungsschule* — is chosen advisedly; for every youth who graduates only from an elementary school is obliged by law to continue his education in some continuation school during the period of his apprenticeship to his trade; and each year youth finds a continuation school appropriate to his calling. Employers are by law required to give their employees the time to attend these schools — from 6 to 12 hours a week, depending on the trade, for from three to five years. These continuation schools are not usually evening schools; because it is well known that boys 14 to 15 years of age, after a hard day's work in a shop or factory or on a building, are unable to profit by evening instruction to the extent to which they could profit by instruction if it were given in the daytime. Moreover, it is clear that forced school work at the end of an arduous day is unhygienic.

In these continuation schools one of the most suggestive arrangements is the close correlation of the theoretical foundations of each trade with the instruction in the processes of the trade. That is to say, the mathematics of the school is the mathematics of the shop, whether it is jewelry or shoemaking or carpentry. The same is true of the machinist's mathematics. Similarly the drawing of the school is the drawing of the shop. The problems which the boy finds in the shop today are dwelt upon at length in the school tomorrow. In the same way the closest possible relation of the sciences, physical or biological, to the trade concerned are maintained. The youth learns also the history of his trade, and civics, and the proper use of his mother tongue in relation to his trade.

¹ American Industrial Training as compared with European Industrial Training. In the Social Education Quarterly. Boston, June 1907.

From the continuation school the youth at 18 or 19 enters the army, where for at least two years more he is under systematic educational influence. That is to say, the German nation has been unwilling for more than a generation that a youth after he leaves the elementary school should be without systematic educational influence until he reaches the age of citizenship; while, in this country, we are just beginning to realize our responsibilities in this respect.

The effect of the extraordinary scheme of technical education of all grades, not only the elementary technical education which has just been sketched, but of all higher grades of technical education, on the progress of German industry and commerce is well known. Before the Franco-Prussian war Germany was industrially and commercially a rather unimportant nation. Immediately after the Franco-Prussian War, after German unity had been accomplished, the nation devoted itself to the development of its educational system, and to the development of industry and commerce; and it has become, as is also well known, one of the most important manufacturing and commercial nations of the world — a tremendous rival in those respects to other progressive nations. While Germany's educational system is not the sole cause of this extraordinary prosperity, it is, nevertheless, one of the most important causes, and by the Germans themselves is regarded as *the* most important.

Now while it would be undesirable and impossible to transplant any German institution to this country just as it exists in Germany, it is, nevertheless, clear that this particular German institution offers valuable suggestions to America. We flatter ourselves that in our democratic society we provide equal opportunities for all through education. That is to say, we claim to provide educational opportunities that will enable a man to make the most of his capacity, his industry, and his character, whatever his original station in life may be. And yet we have failed to provide such an opportunity for that great mass of our population who must face the most serious problem of life — self-support and the means of progressive well being — at an early age.

Thus far, I have endeavored to show that there is a great need of industrial education. The manufacturer needs skilled labor. The workman needs an opportunity to develop "industrial intelligence," and skill, and a sense of responsibility. I have also endeavored to show that while we have developed with much industry and enterprise the material resources which we possess, we have done little,

if anything, to promote the development of the most important resources we have: namely, the great majority of our "working men." I have endeavored to show also that while the effect of this neglect is to deprive the employer of the industrial intelligence and skill that he needs, it also deprives the wage earner of the greatest blessing which any man on earth can have — the prospect of a steady job and an increasing wage based on progressive efficiency and responsibility; and, therefore, that there is here an educational need for which we have not yet provided an educational institution. This institution is the school of mechanical industries. And it remains to sketch in briefest outline the nature of this school.

This sketch is necessarily provisional; it is conceived only as a basis for intelligent experimentation. Our commission has devised this provisional scheme after much study of the problem of industrial education, many conferences with manufacturers, with wage earners, and with teachers in the existing trade schools in various parts of the country. The Douglas commission did not develop a plan of industrial education for the state, as that task did not fall within its province. The report of that commission says very justly: "The commission does not deem it to be a part of its duty under the provisions of the resolve creating it, and in fact it is not in the power of a temporary commission, to formulate exhaustive and specific plans for industrial education. . . ."

To outline a plan of industrial education — its aims, scope and methods, is, however, one of the special duties of the present commission. It was clear to the present commission, as has already been intimated, that no ready-made scheme could be imposed on the several communities of the commonwealth, that, on the contrary, every school must be closely adapted to the needs of particular industries under the varying conditions prevailing in different localities. The problem which faced the present commission was, therefore, to devise a plan which should be definite enough to serve as a guide in planning industrial schools for the state, and yet flexible enough to permit adaptation to the needs of each locality where such schools might be established. Here it is.

Each school should receive boys (and girls) 14 years of age and upwards who express their intention to learn a trade. When these schools are fully established, they would require four years of day instruction. The first two years would include much shop instruction, greater in amount and much closer to the trades than the shop instruction of most of the manual training schools now in

existence; together with related mathematics, natural science, drawing, the history of industry and commerce, particularly of Massachusetts, civics treated as concretely as possible, and shop and business English. These two years would serve first of all to direct the attention of boys and girls to a trade — would develop in them the vocational purpose — would explore their several capacities, and should enable them, with the help of their teachers, to select that trade for which they are best fitted by natural taste and capacity.

The last two years would include specialized instruction in the trades appropriate to a given locality, and the theoretical foundations of each trade — drawing, mathematics, natural science, and also the history of that trade, shop and business English, and civics, as before. These last two years could be completed in that time by pupils who are able to attend the school continuously, or in a longer time by pupils who are obliged to work a part of the time; or the work could be done by such pupils in the evening. Some manufacturers have encouraged the commission to believe that some kind of part time scheme — that is, part of the time in school and part of the time in the factory — is possible for some industries; whereas for other industries the further education of the pupil would have to be undertaken in the evening. Evening instruction for persons already employed in the trades would, of course, be an important part of every school.

In every community that has a manual training school the plan just outlined for the industrial school could be easily carried out. At this point a brief digression seems desirable. It seems worthwhile to indicate in a few sentences the difference between manual training and industrial training. Manual training is a means of general education just as history or chemistry or language is a means of general education. It has materials of its own and a method of its own, and hence the result is a peculiar kind of knowledge and power due to the nature of the subject and the method it demands. That is to say, each subject of instruction is a means of general education because it supplies a peculiar kind of knowledge and develops a peculiar kind of power. Each of these subjects, therefore, possesses an educational value not shared by other studies. The peculiar educational value of manual training is that it gives a knowledge of our constructive activities and a sympathetic appreciation of them which can not be gained in any other way. It is, however, as now carried on, usually much too general to be comparable to industrial training.

Manual training abstracts the principles of all trades and teaches them. It ought to make a pupil generally "handy." It is, if properly carried on an excellent preparation for industrial training. Industrial training goes farther. Besides teaching all the processes of a given trade from the first attack on the raw material to the last touches on the finished product, it teaches the theoretical foundations of that trade. Hence it gives the worker a *technical* knowledge of his trade, and begins the development of skill in the practice of it. It must not be inferred, however, from what has just been said, that an industrial school can turn out a journeyman. The skill of the journeyman can be fully developed only in the factory.

Such schools as have been sketched should be independent schools parallel to the existing high schools. They should be independent schools, because the motive which dominates them determines the value of the work done in every detail. It is clear from what has gone before that the theoretical instruction of the general high school is not adapted to specific instruction in a trade. In a general high school no specific application of the instruction is aimed at. In the industrial school everything has its specific application. Therein lies its value and its significance. In the daily pursuit of his training for a trade, or in the pursuit of that trade itself, there is constant opportunity for the application of all that the pupil has learned, and hence the possibility of progressive growth in thinking about his calling, and growth in his command over it; not only in the processes of the trade, but in all that the trade means. Under such circumstances the workman knows not merely the processes of his trade, he knows all of them as he can not learn them in the factory; but he knows the principles of his trade as well, and he is able to form a just estimate of his own value to himself and to the community. Whatever industrial discontent such a workman may feel will be enlightened discontent — a kind of discontent that a democratic society always respects.

To sum up: 1 The progressive development of all high grade industries requires skilled workmen possessing industrial intelligence, that is, comprehensive insight into and intelligent interest in their several trades, as well as skill.

2 The present conditions of production are unfavourable to the training of such workmen in the shop or factory, and sometimes render such training impossible.

3 All industries, whatever their grade, need more men than are now obtainable who are capable of acting as foremen, superin-

tendents, or managers — men possessing the comprehensive insight, interest and skill necessary for the organization and direction of a department or a shop.

4 Such men, whether workers, foremen, or superintendents, are now usually developed by chance — and they are then self-made men, possessing the merits, but also the conspicuous shortcomings of their training.

5 Meanwhile, boys and girls, young men and young women, are not only not directed toward the trades in our existing schools but are often actually directed away from them by the bookish education of those schools and their purely academic traditions. Manual training high schools are institutions for general education, like the academic high schools; although unlike them, they serve to give a certain class of pupils a high school education with the help of manual training, or, like them, to prepare their pupils for professional training in some college or engineering school.

6 Boys are not wanted in the industries until they are 16 years of age. The result is an army of young men and young women from 14 to 16 years of age, most of whom are either at work in various kinds of juvenile occupations in which they learn no trade, are subject to little, if any, beneficial general education, and often to much harmful education from shifting experience and environment. The majority of these children would be in school if the school promised preparation for some life pursuit.

7 These years, and the subsequent years, are, however, valuable for industrial education, but there is at present no agency whereby this education is provided save to a limited extent, and then chiefly by philanthropy, or by correspondence.

8 Hence the need of industrial schools to supplement the existing public schools — to meet a new educational need which has evolved with the evolution of our industry and commerce. Such schools should receive pupils 14 or 15 years of age who declare their intention to learn a trade; and would, therefore, be parallel to the existing public high schools but independent of them.

9 Such schools should be part of the public school system, and should offer a course of study covering four years of instruction. The entire course could be completed in that time by those pupils who could attend continuously; in a longer time, and partly in the evenings, by those who could not. The first two years would comprise general shop instruction with related drawing, mathematics, natural science, the history of industry and commerce, shop

and business English, and the reading of appropriate articles and books. The last two years would give the shop instruction for particular trades; and for each trade represented, the drawing, mathematics, physics, chemistry of that trade, the history of that trade, treated both as special history and as a branch of general history, civics treated as concretely as possible, and English as before.

11 Evening instruction for men and women already engaged in the trades would be an important provision in all such schools.

The final result would be a much needed extension of public education to which Massachusetts, at least, is committed — the realization of our present contention that: *An efficient public school system of public education includes adequate provision for vocational training for boys and girls over 14 years of age, and for older persons already employed as wage earners.*

Discussion

Rev. E. P. Powell, Clinton, N. Y.— These apples (holding up some superb specimens from Colorado) show what American industry is doing. These were grown on what fifty years ago was, on our maps, The Great American Desert. We are going to make the desert blossom like a rose garden; and our schools must lead the way. The 19th century was the century of trade; the 20th century is the century of agriculture; and the farmer is going to Burbank the world. If I had known what sort of fellows you are here I would have brought along a bag full of beans, with pods 10 inches long and 10 beans to the pod, to show you what my boys and girls must be able to construe instead of construing the Latin verb. The other day two boys came to me and wanted my advice about going to college. I asked them where they had received their education so far. They named a certain high school down the Mohawk valley, and when I asked them if they had been to school anywhere else, they said "No." They were boys about 18 or 20, I noticed when they shook my hand that they had a tremendous grip and I suspected they had been milking from 5 to 20 cows every day. I said, "Boys, can you milk?" and they said they had to milk 13 cows every morning and every night. "Did you learn that at school?" "No, we learned that in the barnyard." "Well, can you run a straight furrow, and can you raise a good field of corn, and plant an orchard, and spray apple trees, and can you pick apples so they won't rot as soon as your customers get them?"

The boys thought they could do all of those things, and I said, "Did you learn that at school?" No, they had learned that at home. "Well, boys, it seems to me that you have been at school somewhere excepting the high school, and those things which you understand, those things which you apply, those things which make your family happy, you learned in the field and the orchard and in the garden, through work." I did not want to say anything against the high school, but when we came to talk the matter over we found that there is a vast scheme of industrial education going on, and that our schools ought to ally themselves more closely with this sort of education.

In the original town school of Massachusetts we had nothing more than a supplement of the family, and it gave what the industrialism of those days required. It did not undertake to displace the family as a source of education.

The exigencies of pioneering created the district school, which was also distinctly a part of family life, and industrially cooperative with home work. The academy grew up as a preparatory school for the colleges, which were private institutions. All along through the forest, district schools stood like marked trees, to show the track of Puritan ideas. While they did not directly educate the hands, they did not educate the children away from home life and the farm.

The state university came in as a public institution, but with college instincts. The first was founded in Michigan, as the Catholepistemiad—with fourteen Didaxias. This university, intensely classical, did however include in its curriculum, biology; and it allowed for women instructors. Harvard soon became the University of Massachusetts; and, while in mathematics, the students only went as far as the rule of three, the president preached in Greek, and the students were required to criticize in Latin. On the whole the state universities opened the way for system, but not for industrialism. In fact here was a natural and inevitable conflict. Nothing was left to industrialism but the district schools.

The evolution of the graded town school has at last swallowed up the common or district schools, and faced the whole system toward classicalism. That is, the graded public school is involved in preparation for the college, which is a private school. The solution was not found in those states, like Michigan, that integrated all the lower schools with the university. Meanwhile the colleges, originally not very far from being high schools, have distracted the problem still more by their ambition to become universities.

The normal schools almost inevitably have been faced toward the classical college; at least they have been involved in the preparatory tendency of the lower schools.

The first struggle with this chaotic state of affairs was the effort to introduce manual training, with elementary natural science. St Louis was the first city to incorporate this evolutionary measure. I happened at the time to be one of the editors of the *St Louis Globe Democrat*, and the fight was a sharp one. Meanwhile, in 1862, the land grant act opened the way to a new sort of state university — for that is really what the agricultural college should be called. The innovation was met with a spirit of defiance and contempt. It was difficult to secure teachers qualified for original investigation. Such teachers have however not only been created in sufficient numbers for industrial education, but the country has been filled with men qualified for this sort of leadership. The agricultural college was not only an index of the growing industrialism of the age, but it very soon became a powerful motor in the same direction.

Now comes the problem how shall we associate the common schools with the agricultural state university or college; that is how shall we bring into accord industrialism at the top and classicalism at the base — Americanism at the top with traditionalism at the bottom? Must we create agricultural high schools, involving agricultural primaries? If so, we shall not only duplicate the state systems, but increase the confusion already existing. New York has several times had bills of this sort under advisement. Georgia has created an agricultural high school for each senatorial district. In other states the effort has been made to graft agriculture on to the high schools already existing. A complete system would be a state agricultural university, graded through industrial normals, (such as already exist in several of the states), down to industrial high schools and primaries. The tone and purpose would be everywhere investigation, finding out and applying what is found — Burbanking the world. Herbart and Froebel would no longer disturb us. The kindergarten would become less artificial in such a system; for the children would play not with artificial blocks, but with flowers and pebbles.

In my judgment no possible solution for this problem can come along any other road than that of industrial training of teachers. It will never be possible to overlay our already burdened school curriculum, with anything like a thorough industrial training. The beginning must be made by inspiring normal pupils with a love for nature and for nature work; with a comprehension of the fact

that training the hands and training the brain are correlated. Massachusetts apprehends the problem. The normal schools in a dozen other states are giving more or less thorough and effective instruction along the same lines. The Davis bill, (which will be again pressed upon the next session of Congress), provides an annual appropriation for industrial education in agricultural high schools, besides creating branch agricultural experiment stations. This bill assumes that our present system can not be readjusted, and that the states can not be left to their own guidance. My impression is that the states will accomplish the work, and that it will be done without the necessity of a duplicated system.

In New York State, however, while centralizing the town schools has broadened the curriculum, made more sanitary the buildings, and in other ways been progressive, it is a fact that by absorbing the district schools, the school system has been made more alien to the farm and the family. The problem crowds very hard upon us, and readjustment is imperative. It is demanded not only by agriculture, but by the trades, by social order, and by the ethical requirements of society. Traditionalism has brought with it a burden of false conceptions, not only of what is education, but of what is right and wrong. Whatever changes take place the school and the home must be more closely united. It must be understood that the aim and effort of the school is not different from the home, but is to supplement the education which is there secured. It is shameful to teach a boy distaste for the work that engages his parents. Boys and girls are sent back to the farm with no knowledge of plants or animals, and with a distaste for country life. The new school must teach honor for labor. It must include the workshop and the laboratory. In ordinary farm life, today, there is hardly a known science that is not involved; and these sciences must be so taught in our schools that they can be applied in everyday production and distribution. I think the old and the young have been far too widely separated. I am confident that Brown University is correct in enrolling the whole population as students — so far as they are willing to learn.

Industrializing our schools does not affect, however, so much the contents as it does the methods. It does not imply added studies, so much as applied studies. It is based on the thesis that all real knowledge is usable. It would give one half of the day to indoor work, with books; and it would give one half the day to garden and orchard work. The new education will consider the senses as the main means of acquiring or communicating knowledge. Our drift

has been to shorten vision, dull hearing, and bring the nose into contempt. The Australian boy, on all fours, trails marauders by the scent of their tracks; and he does it with the certainty of a hound. Humboldt tells us that when traveling in the Andes, his party was divided, for the purpose of investigating both sides of a wide valley. Late in the day he became alarmed because his friends had not come in sight. His Indian guides inquired for whom he was looking; and when informed, they pointed across the valley saying, "There they are." With a strong field glass, Humboldt adds that he could just pick them out.

The new education will require therefore, not a schoolhouse placed on the roadside, but buildings located in the middle of several acres — with shops and laboratories as well as classrooms. There must be established a right equation between hand and brain; between work and condition. You can not load a boy down with worse luggage than mere knowledge. We want the boys and girls to understand that they are going to school everywhere. Then they will understand also that they are going to school on the street corners, where Tom, Dick and Harry are the teachers.

Industrialism involves a social crisis which nothing but the school can meet and master. If we do not put trained minds as well as trained hands at the head of an industrial age, conditions will put in charge untrained minds and sneaking hands. Our whole cooperative force will fall under the mastership of scoundrels. The history of strikes is not a history of common sense on one side, any more than on the other. There is in industrialism an ethical law that corresponds to the golden rule of doing. Jesus says, "My Father *worketh* hitherto, and I *work*." Goethe says, "Everything that sets free our intelligence, without giving us self-control, is fatal."

My own views of education got a wrench, when after graduating from college, I met with spectrum analysis — just then opening the great industrial field, as well as the heavenly regions. I found that after a quarter of a century in schools I could not comprehend this revelation. I went to work and mastered it. Then nature began to take on an entirely new phase. I found that the corn blades were leaves of one big book, and my eyes were opening to read it. The educated senses discover facts; the educated mind gathers facts; the educated hands use facts. I have a learned friend who lost himself some fifty years ago in books; he has never since been able to find himself.

Not being able to find an industrial system for my children, I

built an annex to my barn—upstairs a laboratory for chemistry, entomology, botany, geology; and downstairs a shop. My boys discovered that geology meant what our farm was composed of; that entomology considered the moths and the butterflies that flew around our heads; that chemistry was the science of soils and manures; that ornithology was entering into an alliance with the birds—not making a collection of dead ones. In this way my farm became a schoolhouse, and school identified itself with home. The shop developed brain wit as well as it did hand skill. Tools were made as well as mended; engines were constructed, and finally a home-built automobile whizzed by my window. Books became aids to the hands; not stuffing for tired brains. It did not follow that the humanities must be left out of such an education.

A well conducted farm is really the only university in the world. It calls into active work nearly every known science. It applies to the production of wealth and human comfort, as well as general progress, all the accumulations of human wit and wisdom. In 1902, Professor Whitman wrote from the Marine Laboratory, at Woods Hole, that the biological laboratories had been limited to the study of dead material, and that the fundamental problems discussed could not be settled in that way. He appealed to the wealth of the country to establish a biological farm; for the experimental investigation of life histories, habits, instincts and intelligence—in the vegetable and animal kingdoms. It is for the purpose, and to the intent, of turning every farm in the United States into a biological garden that we appeal to you today.

I believe in the church; I believe equally in the school. But the true church has life, and the true school has life. Life means change, growth, progress. I feel sure that the coming school and the coming church will be much closer together, and that the two will be united in ethical effort. In that day the school auditorium will become the center of town thought and purpose; while the superintendent will become the ethical as well as the intellectual leader—altogether the most important factor in town life.

What we now demand is (1) that through the normal schools we secure teachers equipped and inspired for investigation. (2) That the union or town school be built with an inclosure of not less than five acres of land. (3) That half the school day be assigned to investigation and application—by preference the forenoon. (4) That the grading of students, and their advancement, be not based so much upon memory as upon achievement; that it be correlated with field work quite as closely as with book study.

CLOSING REMARKS

BY VICE CHANCELLOR MCKELWAY

The value of every Convocation was practically attested by Scripture. "By their fruits ye shall know them." In calling you finally to order, myself and my associates in the Board of Regents wish to thank you for your attendance. I know I am authorized by all of the speakers to thank you for your attention. I am sure that when our proceedings are put into book form and obtained by you, you will be gratified to discover an essential harmony of idea underlying each paper and all the discussion under such paper. I trust your experience of this Convocation has been pleasant. I believe it will be on reflection profitable. It may be regarded as established that Convocation committees will hereafter choose but one general subject as the case was last year, as the case has been this year. On that one subject attention will be concentrated. From that one subject thought will branch out in various directions. We will thus get the individuality which we have enjoyed. We will thus also get that variety and unity which have been rewarding and enlightening. And we will thus take home with us, as we shall to-day, a consciousness of the unity of the truth and a consciousness of its infinite ramifications in various directions, and of the essential harmony of all the divisions thus pursued. There are many men of many minds. We are very glad that the many men who have attended our occasion have shown the variety of their minds, and we trust that the Committee on Convocation for next year at least, while giving to us an equally fruitful and suggestive program, will not be quite so careful to confine the illustration of it to our own schools. The Convocation for 1907 is adjourned.



INDEX

Academic Council, 7.
Advisory Council, nurse training schools, 7-8.
Alfred University, state school of ceramics, 54-55.
American Art Annual, editor, on art education, 49-50.
Appointments, 7-8.
Art, province of a museum of art in a system of public education, 33-39. *See also* Graphic art; Industrial art.
Avet, Louis, 94, 97.

Bailey, Henry Turner, *Graphic Art as a Factor in Public School Education*, 40-46, 50-51.
Barbedienne, Ferdinand, 93.
Bardeen, C. W., report of committee on necrology, 57-60.
Barye, Antoine Louis, 121.
Baumgarten, William, 109.
Bishop, Heber R., 89.
Blashka, 111.
Bonet, Louis, 94, 97.
Brateau, Jules, 106-7.
Breithut, Peter, 99.

Catherine II of Russia, 90.
Chancellor's address, 9-18.
Citizenship, education and, 132-36.
Cizek, Rudolf, 99.
Clarke, Sir C. Purdon, *The Province of a Museum of Art in a System of Public Education*, 33-39; mentioned, 92.
Coinage, executed at the mints of the United States during 1907, 100; on a future improvement of, 102-4.
College Council, 7.
Convocation Council, 7.
Crookes, Sir William, 112.

Damrosch, Frank, *Place and Purpose of Music in Public Schools*, 61-68.
Dann, Hollis E., on music, 68-72.
Downing, Augustus S., on position of Education Department upon drawing and art, 51-53; on art from high school standpoint, 54.
Dürer, Albrecht, 98.

Edison, Thomas A., 90.
Education and citizenship, by William Nottingham, 132-36.
Education building, 10.
Education, Commissioner of, cordial cooperation of Regents with, 12.
Expression in language, paper by Brander Matthews, with discussion, 73-85.

Faunce, William H. P., *The Humanizing of Study*, 19-32.
Flaxman, John, 89.

Gem engravers, 94.
Germans, impressions of our industrial and commercial enterprises, 148.
Germany, industrial education, 149-50.
Glass blowing, 111.
Glass engraving, 112.
Gould, George Jay, 110.
Graphic art as a factor in public school education, paper by Henry Turner Bailey, with discussion, 40-56.
Greuby pottery, 118.

Hanus, Paul H., *Industrial Education in Massachusetts*, 137-55.
Hubbard, Elbert, 117.
Hujer, Ludwig, 99.

Humanizing of study, by William H. P. Faunce, 19-32.

Humboldt, Alexander von, 90.

Industrial art; how it is advanced by art education, by George F. Kunz, 86-123.

Industrial education in Massachusetts, paper by Paul H. Hanus, with discussion, 137-60.

Jade collection in Metropolitan Museum, 89.

Japanese art, 87, 88.

Jewelry industry, 91.

Judson, Harry Pratt, *The New Education*, 124-31.

Kautsch, Heinrich, 99.

Kent, William, on art education, 46-48, 54.

Kunz, George F., *Industrial Art; How it is Advanced by Art Education*, 86-123.

Language, expression in, 73-85.

Lebrethon, Jules, 94, 97.

Lessing, Geheimrath, 92.

Library Council, 7.

Literature, the humanizing of study, by William H. P. Faunce, 19-32.

Longworth, Maria, 118.

McAndrew, William, on art education, 48-49.

McKelway, St Clair, address, 9-18; remarks, 55-56; closing remarks, 161.

Marschall, Rudolf Ferdinand, 98.

Matthews, Brander, *Expression in Language*, 73-80.

Medallists, 95-99, 106-7.

Medical Council, 7.

Medical examinations, unification of, 13-16.

Metal work, 107.

Metropolitan Museum of Art, 33.

Moore, Edward Chandler, 108, 112.

Morrison, Alfred, 107-8.

Morse, Charles H., 138.

Mueller, 111.

Murchison, Sir Roderick, 90.

Music, place and purpose in public schools, paper by Frank Damosch, with discussion, 61-72.

Necrology, 57-60; Babcock, Madison, 58; Backus, Foster L., 60; Baird, Henry Martyn, 59; Ball, George H., 58; Bennett, Lida M., 58; Bliss, Mrs Sarah Fletcher, 59; Bradbury, R. S., 58; Church, George T., 57; Clark, Gaylord P., 58; Clark, Lynn B., 58; Crosby, William Godfrey, 59; Cusack, James, 59; Dewey, David Decatur Darius, 60; Edick, Philo P., 59; Finch, Francis Miles, 58; Frazer, George, 58; Griffin, Dan S., 60; Halsey, R. H., 57; Hess, William Carl, 57; Hill, Roswell S., 59; Hoxie, Charles De Forest, 59; Huffcut, Ernest Wilson, 57; Jewell, Edward H., 57; Johnson, Cornelia Mason, 59; Johnson, Frank L., 59; Joubin, Jessie, 57; Lincoln, George I., 59; Mann, Warren, 59; Mason, John L., 58; Murray, John H., 60; Murray, William W., 57; Myers, John E., 57; Owen, Edward J., 60; Phelps, William Franklin, 58; Plympton, George W., 58; Ray, Martin H., 59; Rees, John K., 59; Reilly, Mary, 58; Robbins, L. F., 59; Root, Oren, 59; Sullivan, Margaret, 57; Warring, Charles Bartlett, 59; Wedge, Alanson, 59; Whiteside, Andrew J., 59.

New education, by Harry Pratt Judson, 124-31.

Nottingham, William, *Education and Citizenship*, 132-36.

Nurse Training Schools, Advisory Council, 7-8.

Owen, Sir Francis Philip Cunliffe, 92.

- Pawlik, Franz X.**, 98.
Pottery, application of art to, 89-90, 118.
Powell, Rev. E. P., on industrial education, 155-60.
Province of a museum of art in a system of public education, by Sir C. Purdon Clarke, 33-39.
- Rhees, Rush**, on expression in language, 80-85.
Rodin, Auguste, 99.
Rookwood pottery, 118.
Roty, Louis Oscar, 97-98.
Ruskin, John, quoted, 110.
- Saint Gaudens, Augustus**, 95-96.
Saint Gaudens, Bernard, 96.
Saint Gaudens, Louis, 96.
Scharff, Anton, 97-98.
Schwartz, Stephen, 98.
- Sewall, Rev. Charles G.**, opening prayer, 9.
Silversmiths, 108.
Smith, T. Guilford, on Alfred University state school of ceramics, 54-55.
Sturgis, Russell, 113.
- Tautenhayn, Joseph**, 98.
Tautenhayn, Josef jr, 99.
Tiffany, Charles L., 109.
Tiffany, Louis C., 109.
Tschmar, 112-13.
- Vanderlip**, quoted, 148.
- Walters, Henry**, 99.
Walters, William Thompson, 121.
Wedgwood, Josiah, 90.
- Zuloaga, Placido**, 108.



Education Department Bulletin

Published monthly by the University of the State of New York

Entered at the post-office at Albany, N. Y., as second class matter

NO. 423

ALBANY, N. Y.

APRIL 1908

New York State Museum

JOHN M. CLARKE, Director

Museum bulletin 119

GEOLOGY OF THE ADIRONDACK MAGNETIC IRON ORES

BY
DAVID H. NEWLAND

WITH A REPORT ON THE MINEVILLE-PORT HENRY MINE GROUP

BY
JAMES F. KEMP

PAGE		PAGE	
Introduction	5	Part II <i>continued</i> :	
Part I Sketch of the geography and topography of the Adirondacks	8	Vines in the Saranac valley...	124
General geology	10	St. Lawrence county mines...	128
Part II Non-ferrous magnetites	23	Salisbury mine, Herkimer county	142
General relations and distribution	23	Part III Ferrous magnetites	146
Character of the ores	24	Distribution of the ores...	146
Shape of the deposits	26	General geological relations and origin of the deposits...	147
Associated rocks	27	Shape of the ore bodies...	150
Origin of the magnetites ...	30	Mineralogy of the magnetites	150
Mining and milling in the Adirondacks	31	Character and location of the ferrous magnetite deposits...	153
Statistics of ore production	35	Lake Saranac deposits	155
The Mineville-Port Henry mine group	57	Albion mine, Ontario	164
Minerva mine	59	Sage Rock mine	164
Arnold hill and Palmer hill mine group	60	Lancaster mine	166
Lyon Mountain mines	105	Little pond mines	167
		Port Henry mine	168
		Other ferrous magnetite deposits	169
		Bibliography	171
		Index	173

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*New York State Education Department
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Commissioner of Education

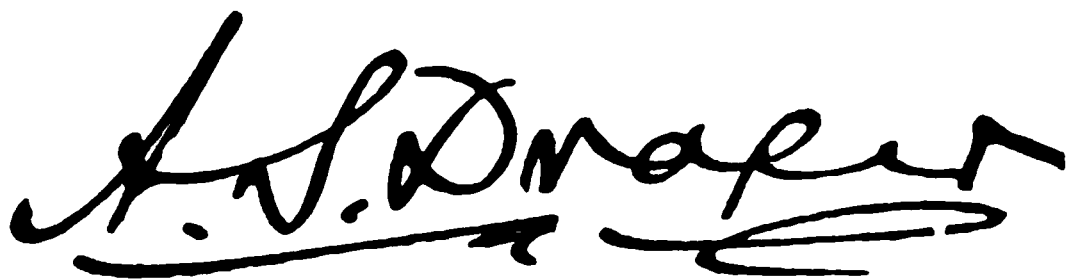
SIR: I communicate herewith, for publication as a bulletin of the State Museum, a timely treatise on the iron ores of the Adirondack mountains prepared by David H. Newland, Assistant State Geologist, to which is attached a special report on the deposits at Mineville, the result of many years of expert investigation by Prof. James F. Kemp.

Very respectfully

JOHN M. CLARKE
State Geologist

State of New York
Education Department
COMMISSIONER'S ROOM

Approved for publication this 7th day of December 1907

A large, stylized handwritten signature in black ink, reading "A. S. Draper". The signature is written in a cursive style with a prominent initial "A" and a long, sweeping underline.

Commissioner of Education



Education Department Bulletin

Published monthly by the University of the State of New York

Entered at the postoffice at Albany, N. Y. as second-class matter

NO. 423

ALBANY, N. Y.

APRIL 1908

New York State Museum

JOHN M. CLARKE, Director

Museum Bulletin 119

GEOLOGY OF THE ADIRONDACK MAGNETIC IRON ORES

BY

DAVID H. NEWLAND

WITH A REPORT ON THE

MINEVILLE-PORT HENRY MINE GROUP

BY

JAMES F. KEMP

INTRODUCTION

The description of the Adirondack magnetites has been prepared in partial fulfilment of a plan to give an account of the iron ore deposits throughout the State. Field work was started in the Adirondacks in 1905 and has been carried on, as opportunity offered, during each succeeding season. It is hoped to complete the investigation of the other ore-bearing regions in the near future.

In the present report Prof. James F. Kemp has contributed the part relating to the important Mineville deposits, a section which he has recently mapped in connection with the geological investigation that is being carried on in the region under direction of the State Geologist.

The Adirondack region of crystalline rocks affords a variety of iron ores differing in their character and geological surroundings. Those found in sufficient abundance to be exploitable commercially may be classified under the main groups — (1) nontitaniferous

magnetites, (2) titaniferous magnetites, and (3) hematites. Of the three classes the nontitaniferous magnetites are the characteristic product of the region and have afforded by far the greater part of the output.

The occurrence of limonite deserves some notice, perhaps, though it can hardly be considered as an available resource at the present time. It is limited to surficial accumulations of impure bog ore doubtless derived from solution by ground water of the iron minerals that accompany the crystalline rocks. The ore is only occasionally found in deposits of any size and is then usually too lean to be marketable. It has been exploited on a small scale at times when conditions were specially favorable.

The two kinds of magnetites mentioned form the basis of the present report. They are quite distinct in respect to commercial considerations, as well as in the particulars of their geological associations and local distribution, wherefore it has been thought advisable for purposes of description to place them in separate divisions.

The hematite ores are practically confined to a single district on the west side of the Adirondacks. They have been mined for over 50 years and still supply a considerable output. They occur within metamorphosed Precambrian sediments, mainly quartzose schists and limestones, where they have been formed by a process of chemical replacement. Their detailed description is reserved for a future paper. An isolated deposit of hematite, the only one that has been worked outside of the western district, is found near Fort Ticonderoga, on Lake Champlain, the particulars of which are given on a subsequent page of the present report.

The magnetite deposits of the Adirondacks have furnished altogether not less than 35,000,000 tons of commercial ore, an output that ranks them among the more important sources of this class of ores in the country. They have been exploited almost continuously for the past century, the earliest operations in the Champlain valley dating back to about 1800. Though some deposits have been practically exhausted by past operations, these are mostly the smaller ones, many of which would not repay working under existing circumstances. The larger mines now operated can continue along present lines for an indefinite period, so far as it is possible to judge their ore reserves.

A diminished ore supply, in fact, is of less concern for the future progress of mining, than the possible recurrence of a period of inactive demand for the ores such as has been felt at different times during the past. It is believed, however, that the industry

is on a firmer basis than ever before, due to the improved methods of preparing the product for the market. By the addition of milling plants to the installations, the mines are now able to ship their output in the form of concentrates, which contain smaller amounts of phosphorus and sulfur and higher percentages of iron than the crude material formerly marketed. The concentrates are in wide demand for mixture with the leaner ores of other districts and command a price above the average.

While the local charcoal industry which had long been the support of many small workings was completely extinguished during the depression of the last decade, there are now two coke furnaces in operation locally on Adirondack ores. The furnace recently built at Standish, Clinton co., manufactures a superior grade of low-phosphorus iron from the Lyon Mountain concentrates. The Port Henry furnace is run mainly on foundry irons, using the Mineville ores. The surplus product of the mines from these operations is sold to furnaces elsewhere in the State and in Pennsylvania.

The titaniferous magnetites which hitherto have been neglected almost completely may add materially to the output of the region in the near future. Their development is already in prospect at Lake Sanford, where there are enormous bodies of the ores, exceptionally situated for convenient working. The ores possess important advantages in their low phosphorus and sulfur, though the titanium content has been generally regarded as presenting difficulties to their reduction in the blast furnace. Under the present management of the enterprise at Lake Sanford a thorough test of the question as to their adaptability may be expected.

Acknowledgments. The courtesies extended by the mining companies and others interested in the development of the Adirondacks have been of invaluable aid in the preparation of this report. Much of the information relating to ore analyses, mine maps and sections, magnetic surveys, drill records, etc. has been secured through their agency. Some of those who have contributed in this way and to whom special recognition is due are: Messrs S. Norton, superintendent, and S. Le Fevre, engineer, of Witherbee, Sherman & Co., Mineville; W. T. Foote, Port Henry; J. N. Stower, Plattsburg; H. H. Hindshaw, New York, at one time geologist for the Delaware & Hudson Co.; N. V. Hansell, New York, formerly engineer at Lyon Mountain; C. S. Hurd, New York; W. L. Cumings, geologist for the Bethlehem Steel Co., South Bethlehem, Pa.; M. H. Newman, Madison, Wis.; and the Oliver Iron Mining Co., Duluth, Minn.

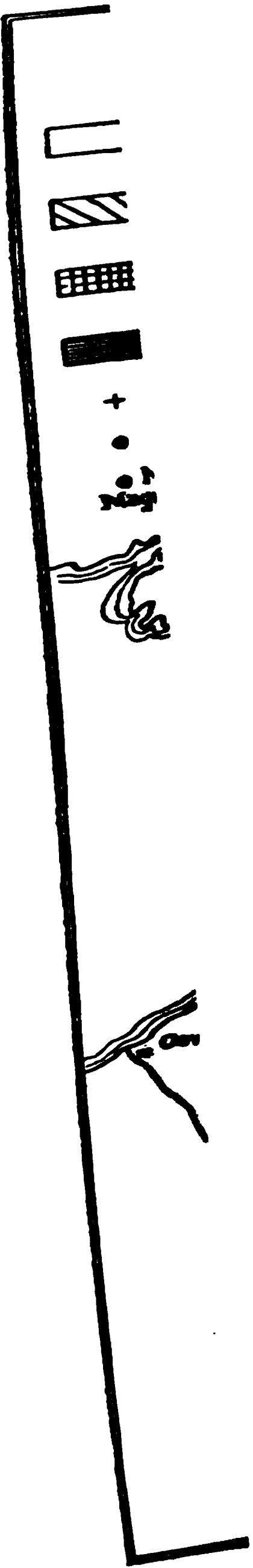
*Part I***SKETCH OF THE GEOGRAPHY AND TOPOGRAPHY OF
THE ADIRONDACKS**

Under the Adirondack region is included the area of crystalline rocks of northern New York that is approximately bounded by the Mohawk valley on the south, the Black and St Lawrence rivers on the west, the St Lawrence plain on the north and the Hudson and Champlain valley on the east. Roughly rounded in outline it has an average diameter of 125 miles, and a surface of about 12,500 square miles. Within its limits lie nearly all of Essex, Warren, Hamilton and Herkimer counties and portions of Washington, Clinton, Franklin, St Lawrence, Jefferson, Lewis, Oneida, Fulton and Saratoga counties.

The region is a well defined physiographic unit. The Adirondacks and their foothills cover the whole area, forming an uninterrupted highland. They are composed mainly of long parallel ridges, separated by longitudinal valleys, and arranged in series or *en echelon*, with a prevailing northeasterly trend. Toward the borders the ridges gradually fall off and are succeeded by the bordering uplands which are constituted of outward sloping Paleozoic strata. On the east, however, they terminate more or less abruptly against the Lake Champlain trough, with but a narrow and interrupted fringe of sediments on that side.

The surface is diversified throughout, but not specially rugged except in the eastern central portion. Here the ridges are massed into mountain groups that stand out prominently by reason of their bold sculpture and elevation. Essex and southern Clinton counties contain most of the high elevations. The Mt Marcy group, the highest, has a few peaks rising 5000 feet or a little more, and there are many others with peaks above 4000 feet. The surface has a general, but not uniform, slope radially away from the central group, as will be observed from the directions taken by the streams. The drainage courses are influenced to some extent, however, by the general northeast-southwest alinement of the ridges.

The western part of the region, in St Lawrence county, shows a more subdued topography than other sections. It is a plateau broken by gentle ridges and open valleys, with occasional elevations rising a few hundred feet above their surroundings. The surface falls by gradual stages from the interior, which stands at about



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2000 feet, to the St Lawrence. The valley of the St Lawrence in this section has been worn down through the Paleozoic strata exposing the underlying crystallines in belts that extend to the river itself.

The history of the Adirondack topography is very involved. The mountains were upraised and folded long before Potsdam time, while they have been since subjected to long cycles of erosion and to renewed uplifts. The whole region appears to have been planed nearly level in the early Cambrian period. It probably participated in the general Appalachian upheaval and has subsequently undergone more or less movement. Local faults have modified the erosional features, giving rise to abrupt rock scarps, serrated ridges which appear to be due to block tilting, and to wild passes and gorgelike valleys. The numerous belts of crystalline limestone that are interfolded with the other crystallines have also influenced the development of relief by their more rapid wear. The valleys floored by the limestone always have a rounded open character, in contrast with the usual narrow steep sided valleys found in the gneiss.

The Labrador ice sheet invaded the Adirondacks from the northeast and north, scoured the ridges to the summits and removed the products of rock weathering that must have accumulated in great thickness during the long period in which the region had been exposed to subaerial decay. Residual sands and clays from the decomposition of rocks in place are practically absent. In turn the ice spread over the region enormous quantities of transported materials—boulders, gravels, sands and clays. The preglacial valleys are often buried beneath hundreds of feet of such materials. It is to obstructions of this kind that many of the lakes, which afford one of the most attractive scenic features of the Adirondacks, owe their existence.

The mineral deposits constitute one of the main industrial resources of the region. They are perhaps second in importance only to the forests, as measured by value of the output. In addition to the iron ores, there are workable deposits of talc, graphite, garnet, feldspar and pyrite in different parts of the region. The quarry materials, of which there are inexhaustible supplies, include granite, syenite, anorthosite; trap, limestone and marble, suitable for building, construction or ornamental purposes.

GENERAL GEOLOGY

Principal publications. The geology of the Adirondacks was investigated in the early part of the last century by Prof. E. Emmons under commission of the Natural History Survey of New York State. The final report of Emmons, which was published in 1842, contains a vast collection of observations on the topography, rocks, stratigraphy and mineral resources of the region, constituting a valuable reference work to this day. The notes on the iron ores and the iron mining industry are commendable for their detail and accuracy. Professor Emmons considered the rocks to be mainly "primary" and divided them into the classes of unstratified, stratified and subordinate. Among the unstratified rocks he grouped granite, hypersthene rock (anorthosite), limestone, serpentine, and rensselearite. The stratified class included gneiss, hornblende (hornblende gneiss and amphibolite), syenite and talc. The subordinate rocks were porphyry, trap, magnetite and specular iron ores. The stratigraphic sequence of the formations received little attention as, indeed, the question involved problems that could scarcely be met by the methods and opportunities which were at Professor Emmons's disposal.

A paper by C. E. Hall, published in the report of the New York State Museum for 1878, contains a description of some of the iron ore deposits of the eastern Adirondacks. The ores are stated to be associated with the following rock groups: Lower Laurentian magnetic iron ore series; Laurentian sulfur ore series; and the Upper Laurentian, or limestones and Labrador series, with titaniferous iron ores. In a note to the article the classification is amended by placing the limestones in a separate group with an unconformity at their base where they rest upon the Upper Laurentian.

In the last 15 years a geological investigation of the Adirondacks, wider in scope than any previously undertaken, has been in progress under the direction of the State Geologist. The field work has been carried out principally by Prof. J. F. Kemp, C. H. Smyth jr, and H. P. Cushing. Their efforts until recently have been directed toward a general reconnaissance as a preliminary to a detailed survey which was necessarily deferred until accurate base maps could be prepared. The results have appeared from time to time in the bulletins and reports of the New York State Museum. Much has been done to clear up the main problems connected with the lithologic and stratigraphic relations of the rocks, and it may be said that the principles for the interpretation of the geology of the

region are now fairly well defined. Professor Kemp has worked in the eastern section including Essex, Warren, and Washington counties and adjacent territory. Professor Cushing has been mainly occupied with the northern region of Clinton, Franklin and Hamilton counties; while Professor Smyth has worked in St Lawrence, Jefferson and Lewis counties on the western side.

With the publication of topographic sheets for parts of the region by the United States Geological Survey in cooperation with the State Engineer it has been possible recently to undertake the preparation of detailed geologic maps. Thus far Professor Cushing has reported upon the geology of the Little Falls quadrangle in Herkimer county and the Long Lake quadrangle in Hamilton county and Dr I. H. Ogilvie has surveyed and described the Paradox Lake quadrangle in Essex county. Field work has been completed also upon one or more quadrangles in Essex, Hamilton and St Lawrence counties.

Outline of geology

The rocks comprising the Adirondack region are almost exclusively Precambrian in age. The bordering Paleozoic strata are sometimes found well within the interior, but they occur in disconnected exposures which altogether comprise an inconsiderable portion of the total area. Their base, the Potsdam sandstone, rests unconformably upon the Precambrian crystalline rocks. The unconformity marks a very long time gap. Before the deposition of the Potsdam the Precambrian rocks had been modified by repeated dynamic action, had been uplifted, intruded, and finally exposed to erosive influences that removed great thicknesses from their surface.

The Precambrian rocks, with the exception of small dikes that were of late Precambrian intrusion, have all been subjected to powerful compression and in many cases have been greatly changed by metamorphism. Among them there are representatives which were undoubtedly original sediments, but these have almost wholly lost the characteristic features of such rocks so that their recognition is at times a matter of extreme difficulty, if indeed they can now be identified at all. The metamorphism took place while they were deeply buried, under conditions of pressure and heat that brought about a recrystallization of the fragmental components; and what were once sandstones, shales and calcareous sediments now have the characters of gneisses, schists and coarsely crystalline limestones.

The inference as to their origin is more readily apparent in the case of the limestones and schistose types than in reference to the more massive gneisses, for which the field evidence alone is seldom determinative.

Plutonic igneous masses invaded the region at different times during the Precambrian period. They have broken up the sedimentary rocks into isolated areas, injected them with their materials and blended with them along the contacts. Subsequent compression has converted them into gneisses which are often hard to distinguish from those of the sedimentary class. A later manifestation of igneous activity led to the intrusion of dike rocks.

While a great part of the crystallines can be differentiated into the two classes of igneous and sedimentary derivatives, there are considerable areas of gneisses whose origin has not been fully established. Their relationships have been obscured by profound alteration, leaving little evidence as to their original nature. It is in connection with these rocks that the principal stratigraphical problems remain to be solved.

According to the classification generally employed for Precambrian rocks, the sedimentary gneisses fall within the Grenville series. If any rocks exist in the region which antedate the oldest sediments of that group, they are probably to be found among the gneisses previously mentioned.

Sedimentary, or Grenville, series. So far as known, the sedimentary derivatives are the oldest rocks in the Adirondacks. They possess much similarity in their development and individual constitution to the Grenville series of Canada, with which they are now generally correlated as the nearest equivalent in age. They are believed to be ancient water deposits and if so must have been laid down upon some floor of still older rocks that have not yet been definitely recognized. Little is known as to the thickness of the series, though from the facts of their distribution it is concluded that they must have been originally very thick. The variation in composition, from original calcareous and magnesian deposits to shales and sandstones and probably coarse conglomerates, as well, is such that it can be explained only by wide-reaching changes in the processes of accumulation that require long lapses of time. Neither the base nor the top of the series has been identified.

Limestone. The limestones have the crystalline texture of marbles, they range from nearly pure lime carbonates to magnesian limestones and dolomites. They are always impregnated by foreign minerals that have been formed out of the carbonates and the

included impurities by regional and contact metamorphism. Pyroxene, amphibole, mica, graphite, pyrite and scapolite are common associates. With an increase in the proportion of the silicate minerals, the limestones pass into micaceous, pyroxenic or amphibole schists. By secondary alteration of the pyroxene a serpentinous limestone or more rarely a massive serpentine may be developed.

The limestones and associated schists are found generally in long narrow belts bordered by the sedimentary gneisses. They are most widespread on the northwestern side of the Adirondacks in St Lawrence, Jefferson and Lewis counties. Four main belts, with a length of from 15 to 35 miles, and a great number of smaller ones have been mapped in this region. On the east side they occur most abundantly in Essex county, but they are here less extensive. In the interior and on the northern and southern borders, the limestones are encountered in disconnected patches, occasionally interfolded with the igneous rocks in which they were, no doubt, involved during the intrusion.

Gneiss. The sedimentary gneisses are an extremely varied class. Their many phases comprise light colored acid types made up purely of quartz and feldspar, gray or dark gneisses in which the ferromagnesian minerals are represented more or less abundantly, and black basic varieties with only subordinate feldspar or quartz. Wide differences in composition are often observable within the limits of a single outcrop, particularly in passing across the foliation. The transitions from one variety to another take place quickly and lend the appearance of a banded arrangement comparable to that of bedding among unaltered sediments. Still there are districts in which the gneisses show a fair degree of uniformity, and their relations are only to be established after careful investigation in the field and laboratory. The presence of graphite is common and suggestive. Garnet, sillimanite and pyrite are also characteristic minerals. Where pyrite occurs the beds weather rapidly, taking on a peculiar rusty appearance. The texture of the gneisses is always granular, as a rule finely so, due to the intense crushing they have undergone.

The distribution of the sedimentary gneisses corresponds in a general way to that of the limestones, being most widely developed on the borders of the region. They occur, however, over considerable areas where limestone may be relatively scarce. In the northern Adirondacks, Cushing has found them to be of small importance, as the main formations are igneous or of so question-

able character that their relations can not be stated definitely. In St Lawrence county the sedimentary gneisses are widespread in the vicinity of the limestone belts above mentioned. They have also been traced by the writer to the east toward the interior as far as Cranberry lake. They are the country rock of the magnetite deposits in this section. Professor Kemp has described gneisses of sedimentary type in southern Essex, Warren and Washington counties. As to the southern border of the Adirondack region, little has been made known but it is probable that the sedimentary gneisses are well represented.

Amphibolite. Involved with the limestones and gneisses, and less frequently with the plutonic igneous rocks, are small masses of amphibolite, dark colored and consisting essentially of hornblende and feldspar. They often have a rusty appearance that betrays the presence of pyrite. Their occurrence in tabular bands, which may be persistent for considerable distances, is suggestive of dikes and it is quite likely that they are in part metamorphosed diabases or gabbros. This view is particularly applicable to examples that have a plagioclase as the principal feldspar constituent, but can hardly be accepted for occurrences in which the hornblende is associated with orthoclase, as is not infrequently the case. For these the derivation from a magnesian shale seems to be the more obvious explanation.

Quartzite. As a somewhat uncommon type of the Precambrian sediments, may be mentioned the occurrence of quartzite which has been made known on both the eastern and western borders of the Adirondacks.

In Essex county, Professor Kemp has noted several localities where this undoubted fragmental rock occurs. It nearly always carries graphite, pyrite and sillimanite and sometimes feldspar and mica. At Hague on Lake George and at the village of Graphite, 5 miles west from Hague, a bed up to 15 feet thick is included between a garnetiferous sillimanite gneiss. At Rock pond between Graphite and Hammondville, there is another area; while in the town of Lewis, 3 miles south of Elizabethtown, exposures show a thickness of 100 feet of quartzite overlain by graphitic gneiss.

Professor Smyth has found the same rock in St Lawrence county. On Wells island in the St Lawrence river a white vitreous quartzite is exposed along a ridge for nearly 5 miles with an estimated thickness of 500 feet. It is associated with schist and both are cut out by granite gneiss which forms the southern part of the island. A second belt occurs between Redwood and Rossie, the quartzite

being interbedded with limestone and hornblende, mica and pyroxene schists. The St Lawrence county quartzites contain feldspar and mica, but are not so graphitic as those of Essex county, where they have been exploited.

The quartzites are no doubt ancient sandstones that have been hardened by recrystallization of the quartz particles; they may be considered, therefore, to represent the extreme silicious phase of Precambrian sedimentation.

Gneisses of undetermined relationship. The recent work in the Adirondack region has disclosed the existence of certain gneisses of obscure character. While more detailed investigation may resolve them into elements which can be classed with the igneous or sedimentary series, they have been found so far to have no well defined connection with either.

Saranac formation. The principal area of these gneisses seems to be on the northern borders in Clinton and Franklin counties. Professor Cushing has described a belt that extends along the Paleozoic contact for a distance of 70 miles. The rocks are mainly red acid gneisses, composed of alkali feldspar, which is usually microperthite, and quartz, with small amounts of hornblende and biotite. They are thus mineralogically related to the granites, but differ from the latter in their textures which are often finely granular or without the definite arrangement that characterizes igneous rocks in their original state of consolidation from a molten condition. Besides the acid gneisses a gray variety consisting of pyroxene and feldspar (orthoclase and plagioclase) and dark hornblende gneisses or amphibolites occur as bands or larger masses. Of the Grenville rocks there are very few exposures throughout the entire belt. The gneisses as a whole correspond in composition quite closely to a series of igneous rocks grading from granites through syenites and diorites to gabbros, though the comparison has not been substantiated fully by chemical analyses.

Professor Cushing is inclined to regard them as an older series than the recognized intrusives and has proposed to group them collectively as the Saranac formation, a name suggested by their occurrence along Saranac river. Concerning their possible position among the Precambrian rocks of the Adirondacks, Professor Cushing points to the similarity which they show to the basal gneisses in other regions and more specially the so called Ottawa gneiss of Canada; while he seems to favor the view that they represent the original floor on which the Grenville rocks have been deposited, he does not regard the proofs for this explanation to be fully established.

Within the belt are comprised several large magnetite deposits, including those at Lyon Mountain and vicinity, the Arnold hill and Palmer hill bodies, and a number of smaller ones. Opportunity has been afforded the writer of studying the gneisses in the field as well as to compare them with the rocks of other mining districts. At many localities within the belt have been found undoubted representatives of the igneous rocks. The acid gneisses particularly contain cores which are coarsely textured, even porphyritic, and in other respects are analogous to the characteristic Adirondack granites; the coarse phases can be traced at times by gradation into fine grained gneissoid rocks which are evidently only crushed portions of the same mass. It seems probable that the granitic series will be found to abound throughout the belt, yet there are large areas of gneiss that can not be satisfactorily correlated on the basis of present knowledge.

Igneous intrusions. The plutonic igneous rocks of the Adirondacks can be divided into four great groups, viz: anorthosite, gabbro, syenite and granite. In their normal development the individual groups are well contrasted by their physical appearance, as well as by the peculiarities of their chemical and mineral composition. They are all connected, however, by a series of intermediate rock types, presenting a variation scarcely interrupted from the acid to the basic members. This close relation between the groups is generally recognized to be an original feature, due to a common derivation from a continuous magma in the interior. By repeated segmentation and intrusion the magma has given rise to the rock series now existing at the surface.

Anorthosite. The anorthosite is the earliest in point of time of the intrusions mentioned. Its occurrence in the Adirondacks was made known by Professor Emmons who described it under the name of hypersthene rock. That he recognized its igneous nature is clearly evidenced by the fact that in his report it is placed among the unstratified class of rocks, though the name he used has given way to the more appropriate one which emphasizes the feldspathic component. Hypersthene plays a very subordinate role in the composition of the Adirondack anorthosite. The rock forms the central massive of highest uplifts. It is exposed over an area that is roughly triangular in shape with its base on the north along the Essex-Clinton county border, extending west from Lake Champlain for over 50 miles, and its apex in southern Essex county near the Warren county line. The area probably exceeds 1200 square miles. There are some belts of gneisses and crystalline

limestone within the area, probably entangled masses borne up on the surface of the intrusion, but in the main the anorthosite is unbroken by other rocks. Small outlying exposures of anorthosite have been found on the northern and southern borders, the most remote being the Rand hill intrusion near Dannemora, Clinton co., and the one near Bakers Mills, Warren co., both of which lie some 20 miles distant from the proximate portion of the principal area.

In its normal development the anorthosite consists of little else than feldspar which is generally a blue labradorite. This mineral occurs as a rule in large interlocking crystals, giving the rock a very coarse texture like that of porphyritic granites. The accessory minerals include augite, hypersthene, hornblende, ilmenite and magnetite. While usually constituting a small percentage of the rock, the ferromagnesian silicates may assume such importance as to mark a gradation toward or even a complete transition into the gabbros. With the increase in the proportion of these minerals, there is also a change in the texture, which becomes finer by diminishing the size of the feldspar and shows the characteristic mottled aspect of gabbroic rocks. There are innumerable places within the area where this variation is to be found. The gabbro type, however, falls far short of the wide distribution of the feldspathic phase, being limited to patches and dike-like bands in the latter. By compression the anorthosite has become laminated, specially in the bordering zones where it often shows a thoroughly gneissoid appearance. The feldspar crushes down to a white mass of granules, in which remnants of the original blue feldspar may usually be seen. The granulation is accompanied by the development of garnet in the form of pink crystals surrounding the dark silicates.

Gabbro. This rock stands in close relation to the anorthosite. It is abundant only within the area occupied by the latter or in close proximity thereto. The gabbro is a black, very dense aggregate of labradorite, augite, hypersthene and ilmenite or magnetite, with olivine as a somewhat uncommon constituent. It seems to have been a later differentiation of the magma which has given rise to the anorthosite as it sometimes cuts the latter intrusively. The gabbro inclusions which grade into the anorthosite are, however, contemporaneous segregations.

The limited masses of gabbro have sometimes been so thoroughly metamorphosed as to assume the character of amphibolites. The presence of unchanged pyroxene and basic plagioclase feldspar

furnishes a clew to the derivation of such amphibolites, in distinction from those which are of sedimentary origin.

Syenite. The Adirondack syenite constitutes an abnormal variety of that rock, and was not recognized as such until recently. Mineralogically it occupies a middle place between the gabbroic rocks and the granites. A green augite is nearly always the chief dark constituent, but hornblende and hypersthene may be present. The feldspar is commonly microperthite. Orthoclase, oligoclase, quartz and magnetite are the more important of the other minerals. The rock nearly always has a greenish color, varying from light to dark shades. When there is a considerable proportion of the dark constituents, it resembles the gabbro so much as to be hardly distinguished in the field, a resemblance which is even closer in comparing gneissoid varieties of the two rocks. With the increase of those minerals there is apt to be a change also in the feldspars shown by the preponderance of the oligoclase over the alkali feldspars. It is not apparent, however, that the syenite ever merges completely into the gabbro, the evidence tending to show that the two are separate and distinct intrusions. On the other hand the acid types of the syenite pass into typical granite, as was first demonstrated by Professor Smyth.

The syenite occurs in local intrusions all through the Adirondacks outside of the anorthosite area. It is developed in great force in the northern section, specially in Franklin county, and is common in the eastern part though the different areas here have not yet been delimited. On the south side the Precambrian outlier near Little Falls consists of syenite. The Diana-Pitcairn area on the northwest, described by Professor Smyth, deserves mention as affording the first evidence of the intrusive character of the rock and its lithologic relations.

Granite. The granites, with the derived gneisses, are the most frequent of all the intrusives. They are closely involved with the Grenville series and over large districts are the only igneous formation present. It has already been pointed out that they constitute an important factor in the belt of Saranac gneisses.

The granites are prevailingly light colored, gray or reddish rocks. Feldspar and quartz always predominate and may be practically the only minerals present. Hornblende granite seems to be more common than the mica varieties, while augite granite occurs as a variation of the syenite. It is only rarely that the intrusions have preserved their original massive character, a granulated cataclastic and gneissoid texture being the rule. In regions where compression

and crushing have been carried to an extreme, the resultant gneisses present most difficult problems to the geologist since they are often inextricably involved with the sedimentary gneisses.

The age of the granite intrusions relative to that of the other igneous rocks has been demonstrated in only a few cases. There is little question that some granites are later than the anorthosite and according to Professor Cushing even later than the syenite. Not improbably they may represent more than one period of intrusion.

Dike rocks. The dike rocks in the Adirondack region are mostly diabases. These are common in Clinton county, where they have been uncovered in large numbers in the mines, and to a lesser extent in Essex county. In the interior and on the southern and western sides they occur only rarely. The dikes seldom attain a thickness of more than 20 or 30 feet, the majority perhaps being less than 10 feet. A few dikes of syenite porphyry have been found in Essex and Clinton counties. The dikes cut all the formations previously described, but have not been found anywhere to intersect the Paleozoic strata. They belong thus to the Precambrian. That they must have been intruded very late in Precambrian time is indicated by the fact that they have undergone no appreciable metamorphism or compression in which the other crystalline rocks have participated.

Paleozoic sediments. The Paleozoic sedimentary strata, which are found on the edges and to a lesser extent in the interior of the Adirondacks, rest in nearly horizontal position upon the eroded surface of the crystallines. During the period of their deposition the region underwent a gradual subsidence that brought a continually increasing area, with the progress of time, below the level of the sea. The formations have at their base the Potsdam sandstone, while the highest member is the Utica slate.

The Potsdam is mostly an indurated sandstone or quartzite, coarse and conglomeratic near the bottom. It lies along the entire northern border but thins out nearly to disappearance to the south. The Beekmantown, or Calciferous, formation following the Potsdam consists of calcareous sandstone and limestone and is found on all sides except the western. In the Champlain region it attains its extreme thickness. The Chazy limestone, which is next in order, is confined to the Champlain valley. The Lowville, Black River and Trenton formations are made up of gray and black limestones, with shaly partings in the Trenton marking a transition into the Utica shale, the last of the series. They are mainly developed on the south.

Small areas of the sediments occur in the interior as far as 40 miles from the borders. In some instances they lie 1500 feet above sea level. They represent mere remnants of once continuous deposits which extended over most if not all of the Adirondacks. There is strong evidence that the submergence of the region was practically complete during Utica time. Since the close of that epoch the region has been above sea level, exposed to weathering and erosion, and has received no deposits except the sands, gravels and clays left by the glacial invasion and the more recent river detritus.

Structural features. The structures of the Precambrian rocks as revealed by their present attitudes in the field have not been worked out for the Adirondack region, and even over the limited areas that have been studied and mapped with care the structural details in most cases have proved too confusing to be deciphered. There is abundant proof, however, that the rocks have undergone great compression and have been folded and faulted on an extensive scale.

One of the principal difficulties encountered in the study of the structural features is the extreme variability as to the evidences afforded by the rocks of their disturbance. The presence of foliated and gneissoid textures is a common characteristic but they are not always so apparent as to be a serviceable guide in the field.

Foliation is best developed in the dark sedimentary gneisses and schists. These rocks contain a considerable proportion of the ferromagnesian silicates — biotite, hornblende and pyroxene — which owing to their crystal habit would orient themselves most readily under compression. When the foliation is parallel to the original bedding planes, as seems to be the general case with these rocks, the records of dips and strikes afford unquestionable evidence for establishing the structure. The limestones have flowed and recrystallized so that they rarely show either foliation or traces of their former bedded structure.

In areas underlain by a complex of igneous and sedimentary formations it is seldom that any connected series of dip and strike observations can be made. There is some possibility that in the districts composed mainly of the Grenville series, such as on the west and south, a close study of the field relations may yield positive results.

The strikes and dips in any part of the region seldom remain uniform over more than a small area. The strike generally follows more or less closely the prevailing trend of the ridges, that is in a direction east of north, but it is subject to local variations of several degrees. The swings are gradual as would be expected in folded

rocks. The principal thrust has been evidently from the southeast or northwest. From the fact that the eastern section has undergone the greatest disturbance from its influence, the direction would appear to be from the southeast rather than from the opposite point.

The iron ore deposits afford many interesting examples of flexure. Originally they were probably straight tabular bodies formed previous to the dynamism that has affected the inclosing rocks. In some districts they have been very little disturbed, either along the strike or on the dip. In others as instanced by the deposits of Essex county, they have been flexed, twisted and made to assume the most intricate shapes, around which the walls have been closely molded.

The existence of faults can be demonstrated in many cases where the conditions are favorable for their detection, that is in areas made up of contrasted formations, and their presence is indicated elsewhere by topographic considerations. The probable close connection between the present surface conformation and faulting has been brought out more specially by Professor Kemp in his work in Essex county.

The main series of faults has a northerly trend, varying from nearly due north to northeast. It approximately parallels the longer axes of the ridges and tends to produce steep faces on the northwest and southeast sides. This faulting may have been responsible to some extent for the markedly uniform trend of the ridges and valleys. In some cases the latter appear to occupy a depressed strip between two parallel faults of this character.

A second series of faults, which has probably resulted from the movements initiated by the main series, trends away at variable angles, so that the ridges are divided into irregular blocks. Examples of such block faulting in which the displaced portions are more or less tilted form a characteristic feature of the interior Adirondacks.

The eastern and southern margins of the region have been extensively faulted. In Clinton county Cushing has found the Paleozoic strata to be frequently displaced by meridional faults, of which one in Chazy township along Tracy brook has a throw of at least 2000 feet, and cuts out the entire Beekmantown formation. Most of the faults in this section downthrow to the east. It would appear that the New York shore of the lower part of Lake Champlain is limited by a series of meridional breaks forming a basin tilted to the west. North of the Mohawk valley there are a number of displacements trending northeast across the dip of the Paleozoic

strata into the crystallines. As described by Darton they are normal faults with a downthrow to the east, amounting to 800 feet in the Little Falls fault and to 1600 feet in that at Hoffman. The faults cut the latest of the stratified rocks represented, the Utica shale.

An earlier period of faulting occurred in Precambrian time, though the displacements can be distinguished from those of later age in but few cases. The ore bodies on Arnold hill have been broken by a system of cross faults, and along some of these diabase dikes have been intruded. The dikes are, as already stated, of late Precambrian age. As they show no effects themselves of any disturbance, it would appear that the displacements occurred before their intrusion.

*Part II***NONTITANIFEROUS MAGNETITES****General relations and distribution**

The class of so called nontitaniferous magnetites includes the ores that are relatively free from titanium. The term nontitaniferous, it may be noted, is hardly an accurate one to apply to any of the Adirondack magnetites, since the presence of titanium has been shown to be almost universal in these ores. For practical purposes, however, the low-titanium magnetites may well come under such designation, since they carry an inconsiderable proportion of the element — usually but a fraction of one per cent — too small to have any notable influence on their metallurgical behavior. The titanium is traceable usually to the mineral titanite which is a common constituent of the wall rocks and is often intergrown with the magnetite. Its proportion is generally higher in crude ore than in concentrates, the titanite being removed to a greater or less extent by mill treatment.

The nontitaniferous magnetites are the most widespread of the Adirondack iron ores. They have been worked at a great number of localities distributed over different sections.

With some exceptions the deposits may be grouped, however, into two geographical regions. The first and more important is that lying on the eastern border of the Adirondacks within the Lake Champlain drainage basin. To this region belong the deposits of Washington county, the Hammondville and Mineville districts and the smaller mines of Essex county, and all of the mines of Clinton county aside from the Lyon Mountain group. The last named is the only one on the north side of the Adirondacks that has been exploited to any extent, though there are a few small bodies in Franklin county. The second region lies on the west side in St Lawrence county and includes the Benson, Jayville, Fine and Clifton deposits all lying in the same vicinity. The rest of the western border extending through Jefferson, Lewis and Oneida counties contains, so far as known, no deposits of size. On the south side the Salisbury mine of Herkimer county is the single representative.

Attention has been called by Smock and other writers to the fact that nearly all of the mines occur in the bordering zone and that comparatively few have been opened in the interior of the

Adirondacks. This is attributed to the more thorough exploration of the outer areas owing to the advantages they afford in regard to accessibility for prospecting and transport of the ore to the market. No doubt the explanation is a reasonable one and entitled to serious consideration. But it would seem not improbable that there is an underlying geological basis for the general distribution of the occurrences that may be brought out clearly when the region is mapped in detail. The present study has not been extended beyond the limits of the ore-bearing districts. The interior of the Adirondacks is occupied in part by the great anorthosite mass, within which the ores are all titaniferous. Of the extensive region to the west and south of this area to near the Adirondack borders little is known as yet concerning its geology.

By far the greater number of mines that have been worked, including all the important ores, are restricted to a few districts of comparatively limited area. The total surface embraced within these districts constitutes but a very small portion of the whole region. It is probable that future exploration when extended into the outlying areas will result in the addition of new deposits to the list; but it can hardly be expected that the discoveries will compare in importance with those already made. The favorable ground for development was sought out by the early prospectors who seem to have penetrated into the most remote parts in their search and to have made good use of the dip needle and compass, by which the location of highly magnetic bodies like these is a comparatively easy matter.

Character of the ores

The ores show great variation in their mineral and chemical composition. They range from impure lean varieties consisting of magnetite intermixed with the constituents of the wall rocks, such as quartz, feldspar, pyroxene, hornblende etc., to those made up of practically pure magnetite. The richest average from 60 to 70 per cent iron. They have been obtained principally from the Mineville district, where some large bodies have averaged 60 to 65 per cent iron and have afforded considerable quantities assaying above 65 per cent and even approaching closely the theoretical limit for magnetite which is 72.4 per cent. The Hammondville, Arnold hill and many other mines have yielded ores with 50 to 60 per cent iron. The magnetites that carry less than about 50 per cent iron

are generally considered too refractory for direct smelting; their utilization depends upon concentration, to which they are as a rule very adaptable. There are large bodies of such ores in the Lyon Mountain, Arnold hill and St Lawrence county districts. The lowest grade of milling ore that is worked carries about 35 per cent iron.

According to the percentage of phosphorus present, the magnetites may be subdivided into low-phosphorus, Bessemer and non-Bessemer grades. There is no well defined connection between the distribution of phosphorus and the nature of the ore occurrence. In some districts, as instanced by Mineville, both Bessemer and high-phosphorus ores have been produced from contiguous deposits, though generally the ores from any one district show a fair degree of uniformity in respect to the phosphorus. The leaner magnetites are apt to be lower in phosphorus than those having a high percentage of iron. The bulk of the low-phosphorus ores has been produced at Lyon Mountain; the present concentrates from this locality carry less than .01 per cent of that element with 65 per cent iron. The non-Bessemer ores range up to about 2 per cent phosphorus, corresponding to 10 per cent of apatite, which is the containing mineral. The Old Bed group of mines at Mineville has furnished most of this grade of ore.

The magnetites carry a variable proportion of sulfur, due to admixture with pyrite and more rarely pyrrhotite. The part played by these minerals in the composition depends upon the geological associates of the ore bodies, and a sharp line can be drawn generally between the class which carries any considerable proportion of them and the low-sulfur deposits. The presence of sulfur above a fraction of one per cent is confined mainly to the deposits that occur in the banded gneisses and schists of the Grenville series, which are themselves impregnated with pyrite. When the wall rock is an acid variety, corresponding to granite or syenite in mineral composition, sulfur exists only in minute quantity. Among the deposits belonging to the former class it is possible to find gradations from ores with fairly low sulfur to those in which the magnetite is replaced largely or almost completely by pyritic minerals.

Local variations in the ores frequently arise from the association of pegmatite which may carry magnetite in quantity to make it valuable. It has additional interest as affording a number of the rare minerals and many that attain unusual crystallographic development. Mineville and Lyon Mountain have yielded the

greatest variety of species. Professor Kemp¹ has listed the minerals from the former locality, with mention of their more important characters. The Lyon Mountain locality has been described recently in a detailed manner by H. P. Whitlock.²

As a rule the magnetites show little alteration or effects of weathering, and are quite fresh at the surface. The only chemical change at all common is oxidation with the formation of hematite. The latter is usually pseudomorphic showing the characteristic granular structure and octahedral parting of the magnetite—the form known as martite. It occurs sparingly in several deposits, but in quantity only on Arnold hill where the so called “blue” veins are practically solid hematite. The oxidation of magnetite to hematite is accomplished very slowly under ordinary atmospheric conditions, and it seems to have been induced in these deposits by some special agency connected probably with underground water circulations. There are bodies of unaltered magnetite in the same vicinity.

Shape of the deposits

The Adirondack deposits occur in a variety of forms such as are common to the magnetites found in gneisses and schists elsewhere. They have been designated by different writers as beds, veins, pods, shoots, lenses etc., depending upon their particular development in the locality investigated.

In general the bodies have a much greater extent along the strike and dip than at right angles thereto, and show a more or less lenticular form in horizontal section, wider at the middle and tapering toward either end. In some cases they are so prolonged in the direction of strike that they are better described as tabular bodies, their regularity of width being like that found in a bed or stratum, a resemblance that has been emphasized by some geologists as evidence of a sedimentary derivation. The tabular and elongated lenticular bodies are more abundant in the northern and western Adirondacks. The Lyon Mountain, Arnold hill and St Lawrence county districts afford examples. The greatest irregularity of form prevails in the eastern districts, particularly those of Essex county, where the deposits often exhibit a puzzling complexity of pinches, swells and sharply compressed folds not observable in other sections.

¹ Geology of the Magnetites near Port Henry. Amer. Inst. Min. Eng. Trans. v. 27. 1897.

² Minerals from Lyon Mountain. N.Y. State Mus. Bul. 107. 1907.

There can be no doubt that the form assumed by the ore bodies is conditioned by the structures of the inclosing rocks. When the latter are foliated to an extent that permits observations of dip and strike, the contours follow the changes closely, even the subordinate ones. This feature is least apparent in the gneisses of the igneous series, the structures of which are often only faintly indicated, and most evident in the banded gneisses and schists of the Grenville. The ores consequently must have been deposited before the great regional disturbances took place, or at least before the rocks received their present structural arrangement. They have passed through all the vicissitudes of squeezing, folding and other deformations that have been impressed upon their walls.

In their original condition the ore bodies were probably tabular masses, like those now existing in the regions of least disturbance. From such masses, a complete sequence may be traced into lenses, shoots and the more complicated structures that have been developed by operation of mechanical processes.

Associated rocks

There is no constant type or formation that is characteristic for the nontitaniferous ores as a whole. The wall rocks include gneisses of granitic, syenitic and dioritic composition, acid pyritic, garnetiferous gneisses, hornblende and biotite schists, amphibolites and occasionally crystalline limestones.

From considerations of their probable origin, they may be divided into (1) igneous derivatives and those closely allied to the characteristic intrusive masses of the Adirondacks; (2) members of the sedimentary or Grenville group. Nearly all of the magnetite-bearing rocks may be referred with a degree of certainty to the one or the other of the two classes. For a few occurrences, however, the evidences of relationships that have been found thus far are too obscure to admit any definite conclusions, though it is probable that the rocks are uniform with the others, rather than characteristic of a distinct class.

1 **Igneous group.** The more acid members of the igneous series constitute the country of the Clinton county mines, all of which occur within the belt of alkali-feldspar gneisses known as the Saranac formation. At Lyon Mountain, the country consists of a massive reddish variety composed of microperthite, oligoclase, green augite, hornblende and magnetite with a small amount of quartz. Mineralogically it lies on the border between the syenite and granite rock

groups, with local variations ranging through both. Its intrusive nature is evidenced by the penetration and absorption of an older formation, a hornblende schist which occupies limited belts in the vicinity, as well as by its pegmatitic and thoroughly massive phases.

The numerous deposits centering around Arnold hill and Palmer hill, in southern Clinton county, are inclosed by the same Saranac series. The Palmer hill ore body is particularly interesting, in that it consists of a magnetite band in a massive augite-biotite granite that carries fluorspar. This mineral forms an integral part of the ground mass, where it is associated with quartz and feldspar (microcline and orthoclase) reaching at times large proportions. Its presence can hardly be explained except by pneumatolytic action during the consolidation of the rock from a molten state. Fluorspar is a quite common mineral in the magnetites elsewhere, but usually in small quantities and limited, so far as observed, to pegmatite or vein material.

Syenite of the characteristic Adirondack type is represented in force in the Mineville group of mines. It has been shown by recent drilling to underlie the ore bodies in what seems to be a continuous mass. The rock is of greenish cast and is normally composed of micropertthite, green augite, hornblende and magnetite, but through the addition of quartz and shrinkage of the ferromagnesian constituents, passes into a lighter reddish rock that is much like the varieties above described. This rock called the "21" gneiss in the earlier report of Professor Kemp, forms the hanging wall of the Old Bed group. Its relations to the underlying syenite, as well as the apparent differentiation of the latter into a dioritic phase, are brought out in the article by Professor Kemp included herewith.

A basic variety of augite-syenite constitutes the wall rock at the mine near Salisbury, Herkimer co., being a part of the intrusives in that region which reach southward from the Adirondacks into the Mohawk valley. The dark minerals (augite, hornblende and magnetite) constitute about 75 per cent of the rock in immediate contact with the ore, but away from the latter there is a gradual change into the normal syenite.

While the rocks from the different mine localities have not been chemically analyzed, the following tabulation of analyses taken from a recent report by H. P. Cushing¹ may be useful in showing the general range of the igneous series. The description of the

¹Geology of the Long Lake Quadrangle. N. Y. State Mus. Bul. 115. 1907. p. 520.

specimens taken for analysis indicate close resemblances in many cases to the ore-bearing rocks. Professor Cushing has worked out the corresponding mineralogic composition and it will be of interest to note the relative quantities of magnetite present.

	1	2	3	4	5	6	7
SiO ₂	54.10	59.70	61.01	62.85	63.45	66.72	68.50
Al ₂ O ₃	17.45	19.52	15.36	16.80	18.38	16.15	14.69
Fe ₂ O ₃	4.52	1.89	2.98	2.96	1.09	1.23	1.34
FeO.....	6.47	4.92	7.77	2.89	2.69	2.19	3.25
MgO.....	2.33	.78	.78	1.48	.35	.73	.26
CaO.....	6.17	3.36	4.05	3.24	3.06	2.30	2.20
Na ₂ O.....	3.81	5.31	3.68	4.09	5.06	4.36	3.50
K ₂ O.....	3.06	4.14	3.90	5.49	5.15	5.66	5.90
H ₂ O.....	.57	.52	.49	.37	.30	.77	.40
TiO ₂.....	.19	.....	.....	.09	.07	.....	.....
P ₂ O ₅.....	.88	.....	.....	.13	.....	.....	.03
Cl.....	.....	.....	.....	.....	.....	.....	.....
F.....	.05	.....	.....	.01	.....	.....	.....
S.....	.14	.....	.....	.02	.....	.....	.....
MnO.....	.35	.09	.08	.21	tr.	.07	.10
BaO.....	.10	.....	.....	.06	.13	.....	.05
	<u>100.19</u>	<u>100.23</u>	<u>100.10</u>	<u>100.69</u>	<u>99.73</u>	<u>100.18</u>	<u>100.22</u>
Magnetite..	6.57	2.73	4.32	4.29	1.58	1.85	1.86

- 1 Basic syenite from near Raquette falls. E. W. Morley, analyst.
- 2 Augite syenite, road from Tupper Lake to Wawbeek. E. W. Morley, analyst.
- 3 Augite syenite, 3½ miles north of Tupper Lake Junction. E. W. Morley, analyst.
- 4 Red, quartz, hornblende syenite from north boundary of Litchfield park. E. W. Morley, analyst.
- 5 Augite syenite, Loon Lake, Franklin county. E. W. Morley, analyst.
- 6 Augite syenite, Little Falls, Herkimer co. E. W. Morley, analyst.
- 7 Quartz, augite syenite, 2½ miles south of Willis pond, Franklin county. E. W. Morley, analyst.

With the exception of No. 6 (syenite from Little Falls) the rocks represented are from the interior of the Adirondacks, away from the mine localities.

2 **Sedimentary group.** The association of magnetites with distinctly Grenville types of gneisses and schists is characteristic for the St Lawrence county occurrences, as well as for some in southern

Essex county, notably around Crown Point. Compared with the preceding group the most striking peculiarity of these magnetites is the constant association of pyrite which brings the sulfur content up to very considerable amounts, a feature that has been a serious handicap to their development in the past. The pyrite may possibly be traceable to original organic matter in the sandstones, limestones and shales from which the present rocks have probably been derived. The widespread occurrence of graphite in the same rocks is noticeable.

At Benson Mines, St Lawrence county, the ore body consists of an impregnated zone in a quartzose banded gneiss. The gneiss contains sillimanite and scapolite in addition to the feldspar, while the dark minerals include hornblende, biotite and augite. Garnet and pyrite are prominent. The walls in places are cut by a later hornblende granite.

The Clifton mines, north of Benson, and those on Vrooman ridge, near Fine, are found within a black hornblende schist with interbedded layers of impure crystalline limestone. The latter occurs next to the ore in one of the openings at Clifton.

At Jayville the same sedimentary series is in evidence, though here the ore bodies and walls (hornblende-biotite schist) have been invaded by a great granite mass which has broken up what was apparently a continuous bed into numerous lenses and shoots that seem to give out in depth after passing the limits of the schist. Curiously enough, the ore contains little pyrite. There is evidence of recrystallization of the magnetite, and contact action has caused the formation of great masses of hornblende and abundant titanite.

The several mines near Crown Point have opened on bands of pyritous magnetite which are inclosed by a black hornblende gneiss that has been correlated with the Grenville of this section. The gneiss has been intruded by granite and in some places the latter lies close to the ore. The ore bodies are parallel in all respects to the St Lawrence county deposits.

Origin of the magnetites

The origin of these ore bodies has been variously interpreted by geologists. The problem is an obscure one, involving as it does accumulations of ores in rocks which are among the most ancient known on the earth's surface and which in many cases have undergone great vicissitudes from compression and metamorphism. So

long as the nature of the rocks themselves remained doubtful, the problem might be viewed obviously from several standpoints.

The sedimentary theory of origin has been held in most favor perhaps by geologists. The condition precedent to its application is that the inclosing formations are themselves of sedimentary derivation. Different modifications of the general theory are possible: the deposits may be considered to have been laid down in the form of magnetite, in which case they represent original surface concentrations such as the magnetite sands that are found along the shores of lakes and streams; they may have been originally limonite or carbonate ores deposited from solution and subsequently changed under the influence of the metamorphism that has affected the wall rocks. The apparent conformity between the deposits and the foliation of the gneisses, their lineal development and persistence for long distances on the strike are supporting arguments for the sedimentary theory.

In a previous paper on the Mineville deposits,¹ Professor Kemp gave the first detailed account of the geological surroundings of the magnetites. As a result of his investigations, he was led to question the applicability of the sedimentary theory to the ores of that district. The existence of igneous masses in the vicinity and the evidences of their agency in the formation of many of the accompanying minerals were remarked and adduced in support of the view that the ores have been introduced by processes connected with the intrusion of those rocks, more particularly the gabbro of Barton hill. In the present contribution it has been possible to clear up some doubtful points relating to the geology of the district, with the result that a more immediate source of the iron minerals in the augite syenite is indicated.

For the occurrences in the midst of intrusive rocks, which have been found to be the prevailing type in the eastern Adirondacks, there would seem to be no escape from the conclusion that the ores have formed by igneous action. They are related to the wall rocks just as the titaniferous ores are related to the gabbros and anorthosites.

The processes which led to the accumulation of these deposits may have varied in some degree in the different localities. Magmatic differentiation has been, no doubt, a prominent factor in the early stages of their formation and perhaps is competent to explain the whole course of their development. Yet there is reason for believing that other agencies were active in producing the final

¹ Geology of the Magnetites near Port Henry, N. Y. Am. Inst. Min. Eng. Trans. v. 27. 1898.

results. Of these the influence of highly heated vapors and waters arising from the igneous mass has been most important. The occurrence of fluorite, apatite, hornblende etc., intercrystallized with the magnetite, is suggestive in that line, as well as the frequent accompaniments of pegmatite and vein quartz. This agency would be specially active in the final stages of cooling and consolidation of the wall rocks. In some cases it may have been the determinative factor in bringing the iron minerals into their present position. The ore bodies thus formed would be comparable in a way to pegmatite dikes.

Some authorities are inclined to doubt the efficacy of magmatic differentiation as applied to the formation of ore bodies in rocks of acid composition. There seems to be no valid reason for thus limiting it to the gabbros and anorthosites of the Adirondacks. The relative acidity of the rocks appears to the writer not so important as the relation between the iron and lime-magnesia percentages. With a large excess of iron over the amounts required for combination with the latter to form augite, hornblende and biotite, the segregation of iron minerals might well be expected. This is exactly the condition presented by the wall rocks of the ores. From the analyses that have been given on a preceding page, it will be seen that even the more acid of the intrusives carry relatively high percentages of free iron. The amounts of magnetite calculated for the rocks, all of which are from localities outside of the mine districts, run from 1.58 to 6.57 per cent. Higher percentages would be found, undoubtedly, in specimens taken from the actual wall rocks. With 5 or 6 per cent of magnetite a concentration of 10 to 1 would produce the leaner ores that are mined in this region.

The granites and syenites of the Adirondack iron ore districts constitute a group that has some elements of relationship with the gabbros and anorthosites. This is manifested by a similarity in important features of chemical composition and by the existence of transition types. The ores they inclose differ mainly in the titanium content. In the silicious rocks, the titanium has combined with lime and silica to form titanite which has been held mainly in the body of the rock mass. With the basic magmas, the silica has been entirely taken up by the feldspathic and ferromagnesian constituents and the titanium consequently united with the iron and has been concentrated with it in the ore bodies. The ores in the acid rocks commonly contain a fraction of one per cent or so of titanium in the form of titanite.

The pyritic ores that are found in the Grenville gneisses constitute of course a distinct class. They may be ascribed possibly

to some process of sedimentation as outlined above, but it would appear to the writer more reasonable to regard them as introductions subsequent to the formation of the wall rocks. They apparently antedate the period of deformation during which the surrounding rocks were subjected to their final compression and folding.

As a rule the deposits are more irregular than would be expected in stratified bodies. They have no well defined bounds, but shade off into the country rock. It is seldom that the character of the hanging and foot shows any marked change that can be taken for original variations in the sedimentation. The thickness of some of the deposits is excessive when compared with known examples of bedded iron ores; the Benson body, for example, measures over 200 feet across the strike and the country rock is mineralized over much greater width.

Though it is believed that the ores are of epigenetic or secondary derivation, there is little basis of facts to support a more precise explanation of their origin. The view that they were formed before the surrounding rocks had undergone final rearrangement appears reasonable, because they have laminated textures and follow closely the general field structures. Their introduction may thus have taken place before the rocks were metamorphosed, in which case it might have been accomplished by ordinary ground-water circulations, with limonite or carbonate replacing the shales and limestones as the first step. The presence of organic matter in the beds, indicated by their content of graphite, would exercise a reducing action favorable to the formation of magnetite rather than hematite under the ensuing metamorphic conditions.

Mining and milling in the Adirondacks

Both underground and open-cut methods are used in the Adirondack mines, the latter, however, being restricted to a few large ore bodies or those so situated as to present a considerable surface development. In general the high inclination of the bodies and their narrowness across the strike render a system of underground working the most suitable from the start. Inclined shafts or slopes following the dip of the ore have been generally adopted in preference to vertical shafts which in some instances at least would seem to offer important advantages as regards economy of operation. The deepest shafts are at Lyon Mountain, about 1500 feet measured on the incline. Horizontal drifts are extended on either side of the shaft at more or less regular intervals and the ore stoped out between them, leaving occasional pillars of ore for roof sup-

port. In the Old Bed workings at Mineville, the ore is removed in large chambers which are extended downward with the progress of operations, as the main mass of ore lies nearly vertical. The chambers are of great size, measuring 200 feet or more from roof to floor. Timbering or other artificial support is not required in the Adirondack mines, and little trouble has been experienced from caving. The workings are relatively dry, as the wall rocks are nearly impervious to water.

Concentration of the magnetites has been practised since the early days of mining in the region. As early as 1836, according to local records, a plant was in operation at Palmer hill for treating the ore by a magnetic process. The details of this installation, an interesting precursor of the modern plants, have unfortunately been lost, though it is hardly probable that the venture could have been successful. A wet gravity system of concentration was commonly used up to about 15 years ago when the magnetic process was perfected to an extent that made its introduction feasible. This process is now generally recognized to be well adapted to the Adirondack magnetites.

At present there are six concentrating plants in the region; two are installed at Mineville, two at Lyon Mountain and one each at Arnold hill and Benson Mines. Another plant is in course of erection at the Cheever mine near Port Henry. In 1906 the mills at Mineville, Lyon Mountain and Arnold hill, which were the only ones operated, crushed 729,091 long tons of ore, making 479,644 long tons of concentrates.

The system of magnetic concentration employed is practically the same at all the mines. It involves dry crushing, sizing and treatment of the product by magnetic separators of which the Ball-Norton drum type is the one commonly used.¹ The crushing is regulated as to fineness by the granularity of the ores which varies at the different mines. As a rule it is not carried to the point where the greatest saving of the magnetite would be effected, since the production of fine concentrates is not desirable from a metallurgical standpoint.

The difficulty in handling the finer grades of concentrates in the blast furnace has been something of a drawback to the success of magnetic concentration as applied to ores in which the magnetite is intimately intergrown with the gangue minerals, an association that is not uncommon in the Adirondacks. Briquetting has not

¹ For further details of the apparatus and methods used, consult the issues of the *Engineering and Mining Journal*, for June 9, and November 17, 1906, wherein are described the mills at Mineville and Lyon Mountain.

been attempted on a commercial scale, though it has been used successfully elsewhere for similar materials.

The concentrates from the Adirondack mills carry on the average 60 to 65 per cent iron. Besides raising the iron content, magnetic concentration affords a partial elimination of the phosphorus and sulfur, important advantages for some ores. In fact the treatment of the Old Bed ores at Mineville is designed particularly to reduce the phosphorus, and the concentration is rather incidental to that purpose.

The costs of mining and milling differ of course according to local conditions. With a modern plant 75 cents per ton is probably a fair average for underground mining under favorable circumstances. Quarry work has been conducted for less than half that amount at Benson Mines. Magnetic concentration costs from 25 to 40 cents per ton of material treated. For a period of ten months during 1900, the total cost of producing concentrates at Benson Mines, including mining, milling and general expense, is said to have been \$2 per ton, which is equivalent to about 80 cents per ton of the crude material handled.

Statistics of ore production

The production of magnetite in the Adirondacks has amounted in all to something over 35,000,000 long tons. The total can not be stated accurately, though there is little doubt that the figure given represents a minimum. The actual production may be larger by two or three million tons. The following table gives the nearest possible approximation of the output distributed among the leading districts; it is based upon the statistics included in the reports by Smock and Putnam and in other publications and upon records of mining companies that have been obtainable. The statistics are carried down to the end of 1906. They are based on the marketable product as shipped to the furnace.

DISTRICT	LONG TONS
Mineville.....	25 000 000
Lyon Mountain.....	3 500 000
Arnold and Palmer hills.....	2 000 000
Hammondville.....	2 000 000
Saranac valley.....	500 000
Fort Ann.....	350 000
St Lawrence county.....	300 000
Other mines.....	2 000 000
Total.....	35 650 000

It is only within the last 25 years that statistics of the annual production have been recorded. The table below embraces all data that could be collected from published sources. The figures for the years previous to 1904 have been taken principally from the annual reviews by John Birkinbine, contained in the *Mineral Resources*, while those for 1904 and subsequent years have been compiled at the State Museum.

YEAR	LONG TONS
1879.....	420 341
1880.....	531 000
1881.....	637 000
1882.....	675 000
1883.....	500 004
1884.....	504 894
1885.....	379 077
1886.....	583 752
1887.....	768 852
1888.....	789 419
1889.....	779 900
1890.....	821 994
1901.....	329 467
1902.....	451 570
1903.....	451 481
1904.....	559 575
1905.....	739 736
1906.....	713 692

The period of maximum development in the Adirondack mines may be said to have extended from about 1860 to 1890. In the 10 years following the latter date for which no figures are available the output was comparatively small due to the depressed state of the iron markets and the expansion of the Lake Superior districts which were able to sell ore at a lower figure than was possible with the Adirondack mines. Since 1900 there has been a noticeable improvement in the conditions; the output for the past two years has been nearly as large as at any time previous and it will probably show an increase for the next few years, provided there is no marked falling off in the demand for iron ores.

MINES NEAR FORT ANN

The Potter, Podunk and Mt Hope mines are situated on the west side of Putnam mountain in Fort Ann township, Washington co. They are reached most conveniently from Fort Ann village which by the indirect wagon road is 9 miles southeast. The elevation of their outcrop according to the topographic map is about 900 feet. The total production of the three mines is reported to have been about 350,000 tons.

Potter and Podunk mines. The ore bodies outcrop near the foot of Podunk pond and but slightly above its level. They are included in a belt of schists which belong probably to the Grenville series, though no limestone was found in the vicinity. The schists, as exposed in the hanging wall at both shafts, consist of quartzose bands alternating with thinly laminated hornblendic and micaceous layers. They carry considerable amounts of pyrite. Their dip is 45° northeast. The rock on the foot-wall side is concealed for some

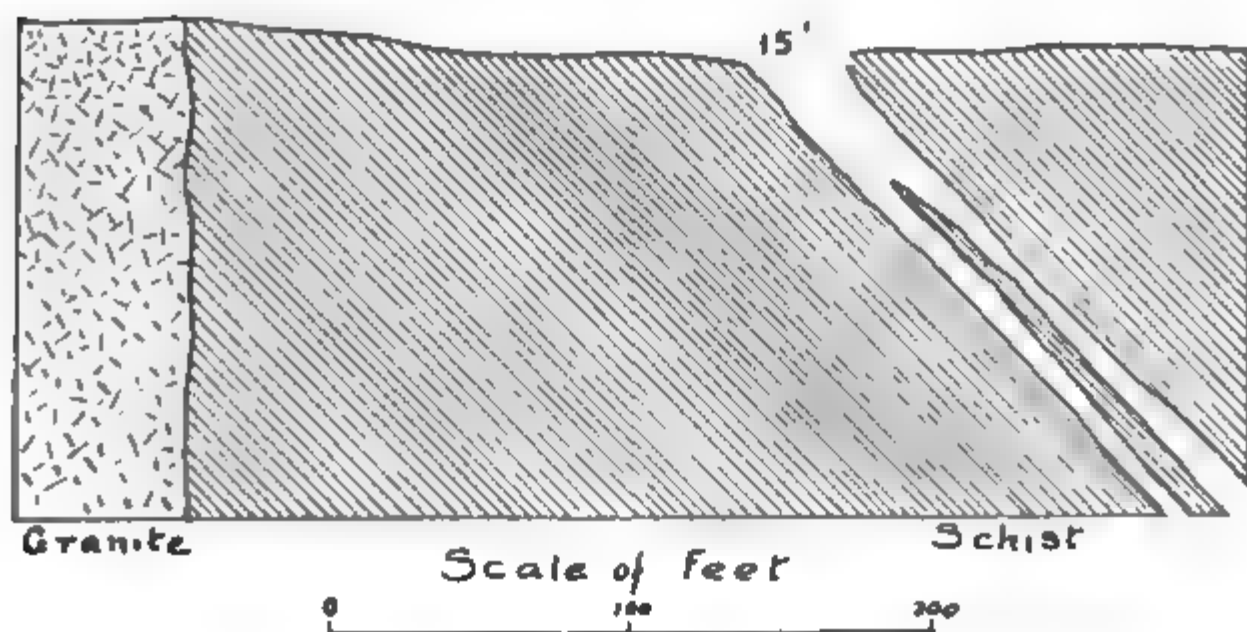


Fig. 9 Cross-section of the Potter mine, showing wall rock (Grenville schist) cut off on the south by granite

distance, but at one point midway between the two mines and 100 feet south there is an exposure of reddish gneissoid granite. This rock is found to the west in frequent outcrops and in such relation with the schists that its intrusive character is plainly indicated. It is a microcline, quartz, hornblende granite quite like the Hammondville type except that the texture is usually more finely granulated.

The Potter mine is 250 feet northwest of the Podunk. It was opened in 1879. A slope 100 feet long runs down the footwall at an average inclination of 32° . At the time of Putnam's report the ore had been stoped out for a distance of 175 feet southeast of the slope. His report contains a sketch of the workings from which

the section included herewith has been prepared. A notable feature shown in the section is the horse of rock which splits the ore body into two seams. The horse thickens to the northwest, reducing the ore breast proportionately, so that the limit of profitable working was soon reached in that direction. On the southeast only the hanging seam 10 to 15 feet thick has been exploited.

The Podunk mine on a parallel ore body is bottomed at 300 feet. There are several hundred feet of drifts extending horizontally from the slope. The ore breast is said to have averaged 8 feet. A third opening called the Baker has been made on a deposit west of the Potter mine. It has produced only a few hundred tons. The dumps at the Potter mine contain possibly 2000 tons of waste ore that evidently carried too much pyrite to be shipped to the furnace. The sulfur has been oxidized to a great extent and washed out by long weathering so that the material might now be valuable. This ore came from a zone specially rich in pyrite; most of the output was sufficiently free from this mineral to be merchantable. Chemical analyses indicate a phosphorus content that meets the Bessemer requirement. Of the following, which have been communicated by Mr S. R. Potter, No. 1 relates to a sample from the Potter mine and No. 2 to a sample from the Baker opening.

Fe ₂ O ₃	49.00	41.30
FeO.....	21.98	18.47
SiO ₂	23.10	35.22
TiO ₂	nil	.....
S.....	.22	.....
P ₂ O ₅ .....	.014	.05
Al ₂ O ₃	3.70	1.61
MnO.....	.09	.42
CaO.....	1.39	.45
MgO.....	.....	3.14
	-----	-----
	99.494	100.66
	=====	=====
Iron.....	51.46	43.30
Phosphorus.....	.006	.02
Manganese.....	.070	.32

Mt Hope mine. The ore belt continues in the direction of the strike northwest from the Potter mine and after an interval of a little more than half a mile outcrops along the ridge known as Mt Hope. According to published accounts ore was mined here 50 years ago. The last period of activity was from 1879 to 1881, when 15,000 tons or more were taken out and mostly stacked at the mine.

The workings are situated on the east, south and west sides of a north and south spur of Mt Hope. A drift has been excavated entirely through the hill on the strike of the ore, showing a thickness of 10 feet at the western entrance. It opens into a chamber 200 feet long, extended down the dip to the water level, and averaging 6 or 8 feet in height. In another drift to the north two seams of ore 24 and 80 inches thick occur. The dip ranges from 10° to 30° . On the east side of the hill there are three open cuts which are on the same or parallel veins.

The deposit shows a tendency to form shoots and the walls are irregularly spaced with evidences in places of slight breaks. The reddish granite which has been mentioned as occurring on the foot-wall of the Potter and Podunk mines appears in force, sometimes in contact with the ore and again giving way to the schists. Bunches of black garnet are found in the latter, possibly as a result of contact action.

The ore averages leaner than the product from the Potter and Podunk mines on the eastern end of the belt. It is mixed with pegmatite, hornblende, mica and other minerals, but contains little pyrite. Most of the material in the stock pile is low grade and probably would not assay over 30 per cent iron as an average. The following analyses give the composition of the ore. In No. 1 which has been communicated to the writer by Mr S. R. Potter the iron is reported wholly as monoxid. The analysis was made by Messrs Booth, Garrett & Blair of Philadelphia. No. 2 is quoted from Maynard, the analysts being Maynard and Wendell.

	I	2
Fe ₂ O ₃ .....	.....	42.09
FeO.....	85.481	19.10
SiO ₂	7.180	20.04
TiO ₂ .....	.370	.....
S.....	.077	.32
P ₂ O ₅ .....	.038	.21
Al ₂ O ₃	3.533	7.90
MnO.....	tr.	.32
CaO.....	2.380	7.87
MgO.....	1.280	2.46
	-----	-----
	100.339	100.31
	=====	=====
Iron.....	61.900	44.31
Phosphorus.....	.017	.092
Titanium.....	.272	.....

A sample stated by Putnam to have been taken from the stock pile near the western entrance to the drift gave:

Iron.....	36.99
Phosphorus.....	.055
Titanium.....	nil

MINES NEAR CROWN POINT

In the vicinity of Crown Point on Lake Champlain and west of there toward Hammondville are a few scattered ore bodies that have received attention in the past, principally as sources of supply for the Crown Point furnace. Among them are the Vineyard, Butler, Kent, Breed and Hammond mines, besides one or two prospects. The Mt Defiance hematite mine, south of Fort Ticonderoga, may also be included among the number. The Crown Point furnace has not been operated for the last 15 years and is now dismantled.

Geologically, the magnetites of this area show striking differences from the Hammondville group which lies immediately west of Crown Point. They are associated with banded gneisses and schists that can be classed without reserve in the sedimentary or Grenville series. They have a simple tabular or lenticular form, swelling and narrowing to some extent along the strike and dip, but otherwise are little disturbed. They lie conformable to the foliation of the walls, which is plainly marked. In their mineral composition they differ from the Hammondville ores in having a high sulfur content, due to disseminated pyrite and, in most cases, a higher percentage of phosphorus as well. Their admixture with pyrite was a serious drawback to their utilization, since there were no mills for concentrating the ores in this section.

The Grenville rocks which occur near the ores are mostly hornblende and biotite quartzose gneisses with occasional intercalations of thin bedded schists. They are conspicuously foliated and variable in their composition from layer to layer. Their color is generally gray, from light to dark shades, sometimes almost black. Pyrite is a common ingredient, while graphite is not wanting. Crystalline limestone has a very limited distribution, apparently, in this area, though abundant farther west. The only occurrence observed near the mines is at the old cupyrchroite locality on the north side of Breeds hill, just south of Crown Point village, and here it is confined to a thin bed of coarsely crystalline graphitic material associated with a dense quartzite.

The Grenville has been broken up into patches and larger irregular areas by granite which has invaded the series from below. The granite is more or less gneissoid, but yet has a quite massive appearance in contrast with the sedimentary gneisses. It consists mainly of microcline and quartz, with biotite and magnetite as the principal dark minerals. It is of pinkish color. The granite frequently cuts across the stratification of the sediments and sends off dikes and stringers which penetrate the latter in all directions. It is very likely a part of the same mass described as being intrusive in the Grenville around Hammondville to which it is very similar in its characters.

Vineyard and Butler mines. These mines are located on the same deposit. They lie in the narrow valley between Buck mountain and the next ridge to the west known as Dibble mountain, just over the border of Crown Point in Ticonderoga township. Their outcrop is 2 miles distant from and 500 feet above Lake Champlain.

The Vineyard mine was last worked by the Lake Champlain Ore & Transportation Co., during the years 1887 and 1888, but it had been under operation 40 years before. Some of the ore was used at the Crown Point furnace. The deposit can be traced along the outcrop for 100 rods or more following the highway that leads to Crown Point Center. It is inclosed by a laminated black hornblendic gneiss. The strike for most of the distance is a little west of north, but on the south end it bends around and becomes east of north. The main workings are on the southern portion and consist of open cuts and shallow pits sunk on the dip which is westerly at an angle of 40° or more as measured near the surface. The principal pit has recently been pumped out. It is less than 100 feet deep and shows 5 feet of ore at the surface which widens to nearly 15 feet at the bottom.

The ore is a fairly rich, coarse magnetite. It contains pyrite in variable amount, more abundant toward the walls than in the central part. The following analysis by J. B. Britton is quoted from Maynard who states that it was made from a sample after rejecting the most sulfury portion.

Iron.....	51.34
Silica	21.07
Sulfur	1.17
Phosphorus.....	.36
Water.....	.24

The Butler mine is located on the northern continuation of the Vineyard. It consists of surface workings of only a few feet depth. The body seems too narrow in this direction.

Kent mine. Thin bands of magnetite appear in the gneiss on the southern slope of Dibble mountain. Three places were found where ore has been taken out in small quantity. The deposits are thin and have been worked only superficially. The production could not have been more than a few hundred tons.

Breed and Hammond mines. These are situated on top of Breeds hill, $1\frac{1}{2}$ miles south of Crown Point. Together with a third opening lying on the east shoulder of the hill they form an interrupted band of ore that extends across the hill in a northeasterly direction. There is a slight offset in the lines of outcrop of the ore bodies which is suggestive of faulting. The walls in both mines consist of dark, hornblende-biotite gneiss carrying pyrite, but the granite appears in close proximity and seems to have cut it off on all sides, limiting the former to a narrow belt.

The Breed mine is opened by an inclined shaft sunk at an angle of 45° . There is a drift 20 feet long at the bottom. The deposit is said to have afforded a breast 8 feet thick. The ore contains biotite and hornblende in considerable quantity, but portions are quite rich. It is highly sulfurous.

The Hammond mine which lies up the hill and to the east of the Breed is opened by a vertical shaft of no great depth. The outcrop shows about 5 feet of ore, similar to that just described.

Howe mine. A little exploration has been done on a deposit situated 6 miles northwest of Crown Point. The pit is 5 feet wide and has been excavated on a band of ore which runs northwest up the face of a prominent ridge. A line of magnetic attraction is traceable to the south of the pit, while higher up on the ridge a 2 foot band of rich magnetite outcrops with the same strike. The inclosing rock is hornblende gneiss. Pyrite is present in the ore.

Blye mine. This is a prospect 2 miles north of Crown Point Center on the southern face of Coot hill. The test pit shows a fairly rich magnetite, but the development work is insufficient to afford an estimate as to the size of the deposit. An area of magnetic attraction is reported on the top of the ridge, toward which the ore trends.

Mt Defiance mine. An interesting occurrence of hematite ore is found just south of Fort Ticonderoga station and west of the Delaware & Hudson Railroad tracks. Mt Defiance is the termina-

tion northward of the high ridge separating Lake George and Lake Champlain. It is made up of a greenish slightly gneissoid rock which has been described as containing microperthite, augite, hypersthene, hornblende and quartz, a composition that plainly establishes relationship with the augite syenites.¹ The mountain thus represents without doubt an igneous knob that has been intruded in the surrounding gneisses which are mainly sedimentary. The ore body occurs near the base of the mountain occupying a vertical fissure with a strike n. 70° w. The walls on either side are brecciated, and there has probably been more or less displacement though of uncertain extent. Close to the fissure the rock is mashed, altered to a greenish material which seems to be mainly chlorite, and impregnated with hematite. There is every reason for believing that the ore has been introduced by circulation of underground waters subsequent to the formation of the fissure. It is plainly not an altered magnetite band. The hematite is principally a soft amorphous variety, with occasionally some masses of specular; it is mixed with calcite and milky quartz. The deposit as seen from the surface ranges up to 5 feet wide. It has been worked through a drift which enters the hill a short distance above the base. Smock states that a pit was also sunk, but as the workings are full of water this can not now be seen. He further states that 8 feet of ore were encountered. Apparently the vein has been developed quite extensively for it is referred to by Watson² who says that 1500 tons had been taken out in the early operations. It was again mined in 1888 and ore shipped to Port Henry. Preparations were under way in 1905 for again reopening it, but after starting an adit at the base of the hill the work was abandoned.

HAMMONDVILLE MINE GROUP

The Hammondville mines are in the western part of Crown Point township, Essex co., 13 miles west of Crown Point village on Lake Champlain and 15 miles south of the Mineville district. They occupy a limited area that centers around the former settlement of Hammondville. Though mostly of small size they have furnished in the aggregate nearly 2,000,000 tons of ore (chiefly Bessemer) with an average of about 50 per cent iron.

¹ J. F. Keno & D. H. Newland. Preliminary Report on the Geology of Washington, Warren and Parts of Essex and Hamilton Counties. N. Y. State Mus. Rep't 51. 1899. 2:512.

² History of Essex County, p. 385.

In the same vicinity are the Skiff, Long Pond and Schofield mines, situated on Skiff mountain, and the Harris mine near Paradox; they have subordinate rank as producers to the Hammondville group.

The exploitation of iron ores in the district dates back to 1824 in which year the Penfield mine was opened.¹ A forge was built in 1828 at Ironville, between Hammondville and Crown Point, for converting the ore into blooms and in 1845 a charcoal furnace was erected just north of Hammondville to smelt the product of the Hammond mine. The most active development, however, took place during the period from 1873 to 1890 under the Crown Point Iron Co. The mines were connected by a narrow gauge railroad with the lake at Crown Point, where a blast furnace was maintained in operation, while ore shipments were also made to the furnaces at Bethlehem and Scranton, Pa., and at Troy.

The mines were closed down in July 1893. In 1897, the property was purchased by the American Steel & Wire Co., and soon afterward the mining plant, buildings, railroad, etc., were dismantled. Recently the mines have been under exploration by the Oliver Iron Mining Co.

Geological sketch of the district

The country is broken by ridges and narrow stream valleys and has rugged contours. It is part of the foothill region of the Adirondacks, but lies close to the central uplift of anorthosites. As may be observed from the topographic map, which has been issued by the United States Geological Survey, the contours are very irregular and show little tendency to the usual alinement along a north-east-southwest axis so pronounced in most sections of the eastern Adirondack region. The ridges range from 1500 to 2000 feet reaching an extreme in Knob mountain slightly above the latter limit. Hammondville itself together with the mines is situated on the gently sloping surface of a ridge at about 1300 feet elevation.

The geology of the district, so far as concerns its broader features, has been mapped and described by Dr I. H. Ogilvie, in connection with the report on "Geology of the Paradox Lake Quadrangle, New York."² Since the publication of this report a more detailed investigation of the region surrounding the mines was

¹ W. C. Watson. The Military and Civil History of the County of Essex, New York. Albany 1869.

² N. Y. State Mus. Bul. 96. 1905.

undertaken by the Oliver Iron Mining Co., for the purpose of establishing a basis for exploratory operations with the diamond drill. The field work was carried on during the summer of 1906 under charge of Mr M. H. Newman, who has afforded the writer every opportunity to keep in touch with its progress and likewise to make use of the results. The district is extremely complex geologically by reason of the great variety of rock formations represented, which involve practically the whole series of Adirondack crystallines, and the intricate structural relations resulting from plication, faulting and the intrusion of igneous masses.

The formations may be divided in a general way into the Hammondville or ore-bearing gneiss, which is a quartz-plagioclase gneiss of doubtful relationships; a group of metamorphosed sediments including crystalline limestone and hornblendic and micaeous gneisses and schists, and an igneous series composed of anorthosite, gabbro, diabase, syenite and granite. This is essentially the classification proposed by Dr Ogilvie except that the Hammondville type of gneiss is considered by her to be eruptive and is mapped with the granites.

Hammondville gneiss. The rock inclosing the deposits is distinguished by a finely granular cataclastic texture and almost entire absence of dark minerals except magnetite. It has a homogeneous character for the most part, in contrast with the recognizable members of the sedimentary gneisses which vary greatly from place to place. Of the igneous rocks exposed in the district, it most closely resembles the granite, but differs in some particulars of mineral composition and in the more intense crushing effects which it exhibits.

Mineralogically it consists almost wholly of plagioclase feldspar and quartz. The ferromagnesian constituents are limited to occasional shreds of biotite and a little green hornblende, forming an inconsiderable proportion of the mass. Magnetite is fairly abundant, in many specimens richly so. Apatite, titanite and zircon are the remaining components.

The rock has uniformly a grayish color on unweathered surfaces, changing to brown in exposures, with sometimes a reddish stain from a little included pyrite. In the finely crushed phases it looks much like a feldspathic quartzite. In the percentage of silica present it corresponds to an acid granite with an indicated content of 70 per cent or more, but it differs from usual granites in the predominance of the soda feldspar, the potash varieties being practically absent. The magnesia and iron are below the average for

granitic rocks. The texture gives no clue to its original nature, being completely granulated in most specimens. The quartz particles seem to be an earlier crystallization than the feldspar, contrary to the usual order of igneous rocks.

Sedimentary crystallines. The principal members of the sedimentary or Grenville series are limestone, hornblende gneiss and mica schist. Dr Ogilvie has recorded the presence of quartzite and sillimanite gneiss in the upper part of the series, but they have no representation within the limits of the district. The sedimentary derivatives are closely associated in their field relations.

The limestone forms bands and larger belts that are followed by the stream courses. It is thoroughly crystalline and frequently contains such minerals as graphite, pyroxene, amphibole and phlogopite and other silicates that have originated from the alteration of the limestone and its impurities by metamorphic agencies.

The hornblendic and micaceous gneisses and schists though completely changed from their original condition show indubitable evidences of their sedimentary derivation. They are as a rule very quartzose, with a proportionately small amount of feldspar and varying quantities of hornblende and mica. They are conspicuously banded; beds of light and dark varieties alternate across the strike, their junctions being sharp like the planes separating different sedimentary beds. Garnet, pyrite and occasionally graphite occur as accessory minerals.

Intrusive rocks. Of the recognizable intrusives found in the Hammondville district, the anorthosite and gabbro are uniform in their geology and mineral character with the general types which constitute the central Adirondacks. They grade into each other by imperceptible stages and have no doubt originated from a common magma. The syenite may also belong to the same intrusive series, representing a more acidic development. It is made up of microperthite, hornblende and a green augite, but in some phases contains labradorite feldspar as well and shows a gradation toward the gabbro. These rocks are all later than the sedimentary formations which are invaded by them, though the relations can be determined infrequently by contact effects owing to the regional metamorphism that has taken place subsequent to their intrusion.

The granite found on Knob mountain and in small areas within the gneisses is a coarse reddish variety. It contains microcline as the principal feldspar, with some orthoclase and quartz, horn-

blende, biotite, apatite and magnetite. It has a more or less gneissoid appearance, and the feldspar which originally existed in porphyritic crystals has been considerably crushed, but the textural relations are those of a plutonic igneous rock. It is regularly jointed and weathers out into massive blocks. In the Knob mountain area there are included fragments of the sedimentary hornblende gneiss which it has invaded. The Hammondville gneiss to the west is penetrated by dikes and irregular masses of granitic material which are probably offshoots from the larger intrusions.

Pegmatite may be mentioned as of frequent occurrence in the ore-bearing gneiss. In almost all of the pits this rock seems to have been encountered during the mining operations. It forms masses of varying size and shape that blend with the country rock, and is quite often associated with the ore.

Distribution and stratigraphy of formations. The Hammondville gneiss occupies a compact area about $2\frac{1}{2}$ miles long from northeast, near Dudley pond and its outlet, to southwest where it extends to within a short distance of Burnt Mill brook. Its width is about $1\frac{1}{2}$ miles. On the north it is cut off by the intrusion of anorthosite and gabbro that stretches over many square miles in an unbroken mass. On the other sides it is in contact with the sedimentary series which occupies the valleys of Paradox creek on the west, Burnt Mill brook on the south and most of the broad ridge between Knob mountain and Penfield pond in a connected belt. The Skiff mountain gneiss which is of the same type lies across the valley of Burnt Mill brook and is thus completely separated from the Hammondville area. The contact between the sedimentary and ore-bearing gneisses on the north side of Skiff mountain appears to be well up on the slopes.

The main granite area in the district is found on the ridge east of Hammondville. It takes in the rounded prominences known as Knob and Little Knob mountains, forming an irregular mass or boss intruded in the sedimentary series. Whether it is in contact with the Hammondville gneiss to the west could not be definitely determined, but from field observations a belt of sedimentary gneisses would appear to intervene for most if not the entire distance on that side. Both Knob and Little Knob present almost vertical cliffs as seen from the west, suggesting a north-south fault scarp, a feature that was noted by Professor Kemp. There is no direct proof of the existence of faulting at this point, though in a rock cut of the abandoned mine railroad 2 miles north of

Knob mountain a brecciated zone occurs bearing nearly in line with the cliffs.

The syenite is exposed in force northeast of Hammondville in the vicinity of Overshot and Round ponds. It has the anorthosite on the west, the line of contact following just west of the road toward Dudley pond. A tongue of syenite extends southward from this area into the sedimentary gneisses for a distance of a mile or more.

The stratigraphic order of succession for the sedimentary rocks is stated by Dr Ogilvie to be hornblende gneiss at the base and limestone above, with the mica schist interbedded in both. The field relations do not indicate any unconformity between the different members. Concerning the relative age of the eruptives, Dr Ogilvie states that the anorthosite is probably the oldest while the granite and syenite are nearly of the same period. The gabbro was the last to be intruded. The most probable order is anorthosite, syenite, granite and gabbro.

The stratigraphic relations of the Hammondville gneiss present perhaps the most difficult problem in the geology of the district and one that is of special interest owing to its bearing upon the magnetite deposits. The question naturally involves the origin of the gneiss, whether this is to be considered a member of the sedimentary series and like the other members has received its crystalline character by metamorphism, or whether it represents an intrusive of which the original igneous features have been obscured through crushing and possibly a partial recrystallization. The evidence obtained from a study of thin sections of the gneiss is inconclusive. As has been previously stated the mineralogy differs in some respects from that of typical igneous rocks of analogous composition, though the differences are not so great that they can be regarded as decisive. Compared with the class of igneous rocks most closely allied in composition, that is the diorites, the chief points of contrast are in the proportions of quartz and ferromagnesian minerals, the former being much larger and the latter smaller than obtain usually in diorites. To substantiate these inferences chemical analyses of the gneiss are needed.

The field observations of Mr Newman and the writer lend some support to the view that the gneiss does not belong to the intrusive series, or at least is not contemporary with the other members of it. The granulation and intense crushing which the rock has undergone is not common in the same degree to the igneous types which at most show these effects in limited areas or zones where faulting

and shearing movements have occurred. The Knob mountain granite, the syenite and the gabbro are frequently gneissoid, it is true, but they preserve recognizable textural characters that leave no doubt as to their relationships. It seems likely, therefore, that the gneiss has suffered greater vicissitudes from compression and other dynamic influences than the igneous rocks due to an earlier period of formation. No apophyses or masses of the gneiss approaching dike form have been found in the adjacent sedimentary series and contact effects are wanting. On the other hand the gneiss is involved with the hornblende gneiss in a way that is difficult to explain on the theory that the former has been intruded into the latter. Alternating bands of the two rocks occur along the borders of the areas. This feature is particularly well developed south of Hammondville in Burnt Mill valley, where the bands of hornblende gneiss may be observed more frequently as the contact is approached. The regularity in width of the bands, their perfect conformity to the strike and their persistency suggest interbedding rather than inclusions caught up by an invading igneous magma. If the view that the gneiss is not an intrusive be accepted, then the rock probably belongs in the sedimentary series. The alternative that it may represent a part of the basal complex on which the latter have been laid down has little claim to attention since on this theory the same difficulties would arise in explaining the contact relations with the sediments that are met by the intrusive theory. The existence of a fundamental system of rocks underlying the limestones anyway has not been established beyond peradventure in the Adirondack region.

The structural relations of the gneiss are very obscure. Satisfactory readings of dips and strikes are not obtainable over much of the area, owing to absence of those minerals which produce foliation. That the rock has been subjected to intense plication is evidenced by the included pegmatite bands, which are folded and twisted in the most intricate manner, as well as by the structure of the ore bodies hereafter described. The observations of dips and strikes where made point to a concordant arrangement of the ore-bearing gneiss and the sedimentary rocks. The latter as a rule show strikes that follow more or less closely the outline of the area, suggesting that they wrap around and overlies the gneiss, though their inclination seems to be quite irregular. The attitude of the whole series may be the result of a compressed anticlinal fold.

If originally a sediment the ore-bearing gneiss has probably been

derived from a feldspathic sandstone or arkose. The hornblende gneiss and mica schist on the other hand, are doubtless to be referred to an argillaceous deposit, and the crystalline limestone to a calcareous one. The order of succession presented by the series is thus a normal one, such as is found in sedimentary strata which have been deposited on a gradually sinking shore line.

Description of the mines

Hammondville mines. The accompanying plan, reproduced from the original recently prepared by the Oliver Iron Mining Co., indicates the distribution of the principal deposits and to some extent their underground continuations. The mine maps of the Crown Point Iron Co. have unfortunately been destroyed and complete details regarding the workings can no longer be had. The present plan has been compiled from such records as are still available and from the results of diamond drilling; it can be relied upon no doubt as reproducing the more important features [fig. 3].

The deposits in all cases are surrounded by the plagioclase gneiss which has been called the ore-bearing formation. They show no relation to the latter in the way of gradation, but have well defined boundaries. The only noticeable change in the gneiss as the ore bodies are approached consists in an increased proportion of magnetite, which gives it a somewhat darker appearance, and the development at times of a hematite stain resulting from the oxidation of this mineral. The magnetite seldom amounts to more than 5 per cent of the whole.

In their arrangement and form the deposits are characterized by great irregularity. Over 30 different openings have been made on as many ore bodies. Whether or not they occupy a definite horizon in the gneiss scarcely admits of determination, because the foliation of the latter is so obscure that little can be learned as to the stratigraphic structure. Putnam has expressed the view that they do occur in such a relation. With due allowance, however, for folding and faulting, the existence of which has been established in the ore bodies themselves, it would be difficult to bring them all into alinement, and it is more likely that there were originally two or three parallel series of deposits, probably tabular in shape; by compression and displacement these have been folded and broken up into the large number of lenses, shoots, pockets and bands now distributed with little apparent order. The strike perhaps in the majority of cases is northeasterly, but it is sometimes nearly east and west and occasionally northwest. The dip is more

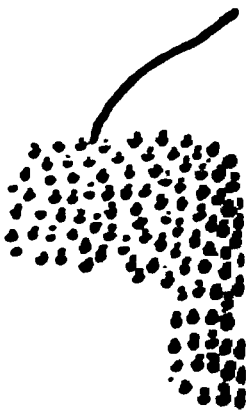
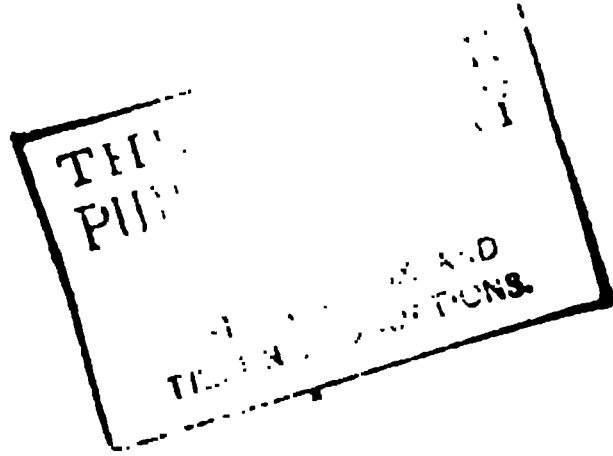


Fig. 3 E



often toward the south compass points than toward the north points.

Most of the deposits proved to be small and were quickly exhausted. The few notable ones which have yielded the greater part of the output for the district include the Penfield, the adjoining West End, the Hammond, Dog Alley, North and No. 7 mines.

The Penfield mine, with the West End, in the central part of the ore belt may be ranked among the largest in the Adirondacks. It is based on a deposit whose outcrop can be traced for 1000 feet. The line of outcrop forms nearly a right angle. The body is thus divided into a somewhat longer western portion which strikes northeast and an eastern portion with a northwest strike. The latter consists of a simple tabular bed swelling and thinning to some extent and dipping 15° or more to the northeast. The Ayers pit is on the extreme eastern end, across the Hammondville

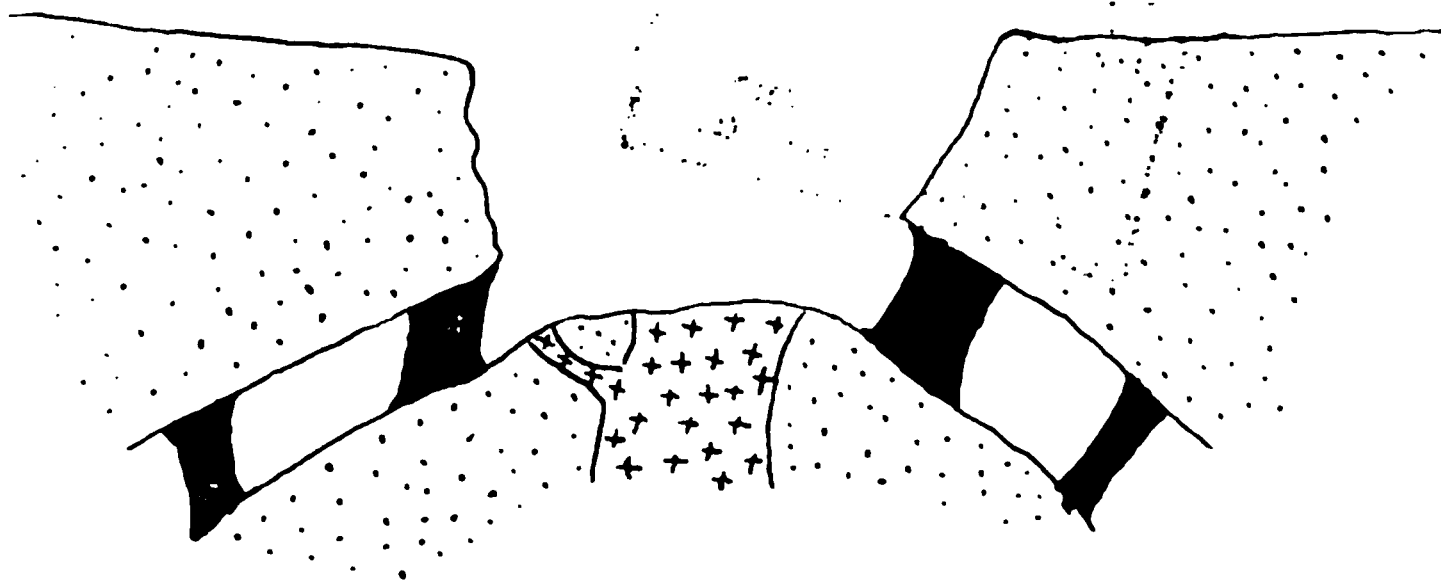


Fig. 4 Section across the Penfield pit, western portion. Pegmatite developed along axis of the fold

road. The central and western portions are more complex in form; their outcrop lies evidently on the apex of an anticlinal from which the ore runs off to the southeast and northwest. The main workings are on the northwest wing of the fold following a dip of 45° , while the ore to the southwest pinches out rapidly on the dip. The foot-wall exposed in the open cut along the axis of the fold consists of coarse pegmatite. The accompanying section [fig. 4] shows the relations in the western portion of the deposit.

The relations of the West End and Penfield ore bodies are not certain from the little information that can now be obtained regarding the workings. The former seems to be an underlying body likewise developed as an anticlinal. Smock describes it in the following words: "The West End is on the normal (southeast) dip of the Penfield ore body, and is remarkable for its irregular

walls and the slips which traverse it. The slope is about 900 feet long and vertically, 300 feet deep." Further particulars have been given by Professor Kemp. "The dip is very irregular, beginning in the west end with 45° it soon flattens to about 5° and then rolls abruptly over to 60° . The bed also drops away to right and left, as one descends, having thus a very curious roll, or dome-shaped outline. Swells of ore run into the foot, and smaller veins offset in the same direction. These small offsets are shot ore and very low in phosphorus." In the foregoing accounts no mention is made of the ore which lies to the north of the anticlinal axis as shown on the plan and have a northwesterly dip; it was exploited in connection with the southern workings. The West End deposit is more extensive than the Penfield, but it is not so thick on the average, though it is said to have given a breast 30 feet across in places.

The Hammond and No. 8 pits are to the northeast of the Penfield and higher up the ridge. They are located on the outcrop of a lens which strikes northeasterly and dips 30° southeast. The two pits are nearly connected at the surface but in depth gradually separate following the thicker portions of the lens. The latter shows a breast up to 20 feet thick in the exposure. Toward the edges it rapidly thins out and may be seen to branch off into small stringers of magnetite which gradually disappear in the gneiss. The axis of the lens when continued falls nearly in line with that of the Dog Alley mine, the shaft of which is about 600 feet from the nearest workings of the Hammond. A transverse fault is said to intervene between the two mines though they were considered to be on the same deposit.

As shown by the accompanying plan the Dog Alley is a long narrow body or shoot. It was tapped at the north by a vertical shaft which encountered the ore at 250 feet. It was one of the last to be worked. It yielded a large quantity of high-grade ore.

Mine No. 7 lies southeast of Hammondville on the edge of the belt where it falls away sharply to Burnt Mill valley. There are two slopes following a lens that dips 35° southeast. The main slope runs along the foot-wall and is stated by Smock to be nearly 1000 feet long. The ore is reported to have been 20 feet thick in places. Three diabase dikes intersect the ore body which is also faulted twice, with a displacement of 10 feet in one instance and of 11 to 22 feet in the other. Much of the waste rock on the dump shows the results of shearing with chloritization of the feldspar. The ore has been changed in part to martite and is veined by calcite, jasper and fluorite. The deposit gave out abruptly at the



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bottom on encountering a brecciated zone which probably marks an extensive fault. A drill hole was put down to a depth of over 1000 feet but failed to find the continuation of the ore beyond the fault line.

The North pit is on the ridge above the Penfield. It is partly an open cut, with a chamber running off to the southeast on the course of the shoot. A curious feature is the pods of ore along the southern edge which were worked through short inclines driven from the main chamber. Apparently they are squeezed portions of the larger body.

The Blacksmith mine is based on a comparatively small deposit which lies north of the eastern wing of the Penfield. The ore at the outcrop is from three to five feet thick and dips 30° northeast.

Exploration. The ore-bearing ground has been tested by the diamond drill, principally with a view to locating the extensions of the larger ore bodies. The drill holes have been mostly limited to depths not exceeding 500 or 600 feet. In the area between the West End and No. 5 workings, ore has been shown to exist in what seems to be a flat sheet at a depth of from 460 to 500 feet, and with a thickness of from 3 to 15 feet or slightly more. Its relation to the contiguous deposits can only be conjectured, but not improbably it represents an extension of the West End.

So far as has been observed the drills have not encountered any limit of the ore-bearing gneiss in depth. The cores show the rock to be quite uniform in character, the only marked variation being in the grain which at times becomes coarse owing to pegmatization. The occurrence of red spots and streaks on the otherwise white core is considered a favorable indication of the proximity of an ore body; they are due to hematite stain.

Character of the ore. The Hammondville ore is compact, granular, or more rarely, a platy magnetite. The richest variety in which there is little admixture of foreign minerals is the so called shot ore made up of loosely cemented grains. In average material the iron content is about 50 per cent, the magnetite being associated with quartz, feldspar and hornblende. White vein quartz occurs quite abundantly in segregated masses and stringers. The percentages of phosphorus and sulfur are low. Of the following analyses, Nos. 1 and 2 have been taken from a paper on "The American Iron Trade" by James M. Swank, published in *Mineral Resources* for 1886. Nos. 3, 4 and 5 are from Maynard's paper "The Iron Ores of Lake Champlain." No. 3 is the result from an average sample from the Hammond mine; No. 4 from an average

sample from the Penfield, and No. 5 from a selected sample from the same mine. The analysts for Nos. 3 and 4 are Maynard and Wendell and for No. 5, T. M. Drown.

	1	2	3	4	5
Fe ₂ O ₃	47.38	49.72	50.13	55.60	64.98
FeO.....	21.32	20.62	23.29	25.24	30.18
SiO ₂	27.48	24.52	20.02	17.44	1.44
S.....	.02	.02	.....	tr.	.....
P ₂ O ₅.....	.08	.06	.....	.05	.....
Al ₂ O ₃	1.97	2.62	4.22	1.09	2.46
MnO.....	.....	.....	.38	.31	.17
CaO.....	.36	.68	1.28	.53	1.07
MgO.....	.10	.21	.85	.12	.....
	<hr/> 98.71	<hr/> 98.45	<hr/> 100.17	<hr/> 100.38	<hr/> 100.30
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
Iron.....	49.74	50.84	53.16	58.53	68.96
Phosphorus.....	.035	.026	.....	.022	.....

The incomplete analyses below are from Putnam's report. No. 1 relates to a sample of a pile of 7000 tons from No. 8 pit, No. 2 to a sample from a pile of 3000 tons representing the general shipping products from the mines exclusive of No. 8 pit, and No. 3 is based on a sample of the concentrates made at Ironville which were used in the forges at that place.

	1	2	3
Iron.....	50.73	49.09	63.30
Phosphorus.....	.090	.029	.030
Titanium.....	Present	Present	Present

The production of the Hammondville group is partly a matter of estimate, since there are no records relating to the early period of activity. In the paper by Swank, quoted above, is included a table showing the approximate output of Lake Champlain mines from the beginning down to the year 1885, in which Hammondville is credited with a total of 1,500,000 tons. This does not seem excessive as Smock reports the production for the period of 13 years previous to 1889 as 1,041,015 tons, evidently based on actual records. From the figures quoted in the volumes of *Mineral Resources*, it is gathered that the production subsequent to 1885

amounted to over 400,000 tons so that the entire product may be stated in round numbers at 2,000,000 tons.

Skiff mine. This mine, opened by the Horicon Iron Co. and later worked by the Lake Champlain Ore & Transportation Co., is near the east end of Skiff mountain $2\frac{1}{2}$ miles southeast of Hammondville. It is about 500 feet above the valley of Burnt Mill brook. The deposit at the surface ranges from 3 to 6 feet wide thinning at either end. The strike is n. 70° e. and the dip is 80° south. Most of the ore has evidently been taken from the open pit, which is about 300 feet long; on the west side a shaft has been sunk, but its depth is not known. The ore averages fairly rich, probably about 50 per cent iron. Quartz is the most common ingredient of the magnetite. The wall rock resembles that surrounding the Hammondville deposits, but is more silicious and rather coarser in texture.

The analysis below is quoted from Maynard's paper. (Maynard and Wendell, analysts)

Fe ₂ O ₃	47.59
FeO.....	21.41
SiO ₂	20.65
S.....	.86
P ₂ O ₅.....	.18
Al ₂ O ₃	4.09
MnO.....	.27
CaO.....	4.06
MgO.....	1.08
	<hr/>
	100.19
	<hr/>
Iron.....	49.96
Phosphorus.....	.079
Manganese.....	.21

Long Pond mine. This is nearly opposite the Skiff mine on a parallel deposit which outcrops along the southern slopes of the ridge. It is entered from the surface by a short adit driven at a point 100 feet below the outcrop. The ore is gathered into parallel seams separated by the wall rock and dipping together at an angle of 60° south. The two principal seams are each about 18 inches thick. A second adit was run below the first to tap the deposit at

greater depth. A partial analysis by J. B. Britton is given in Maynard's paper.

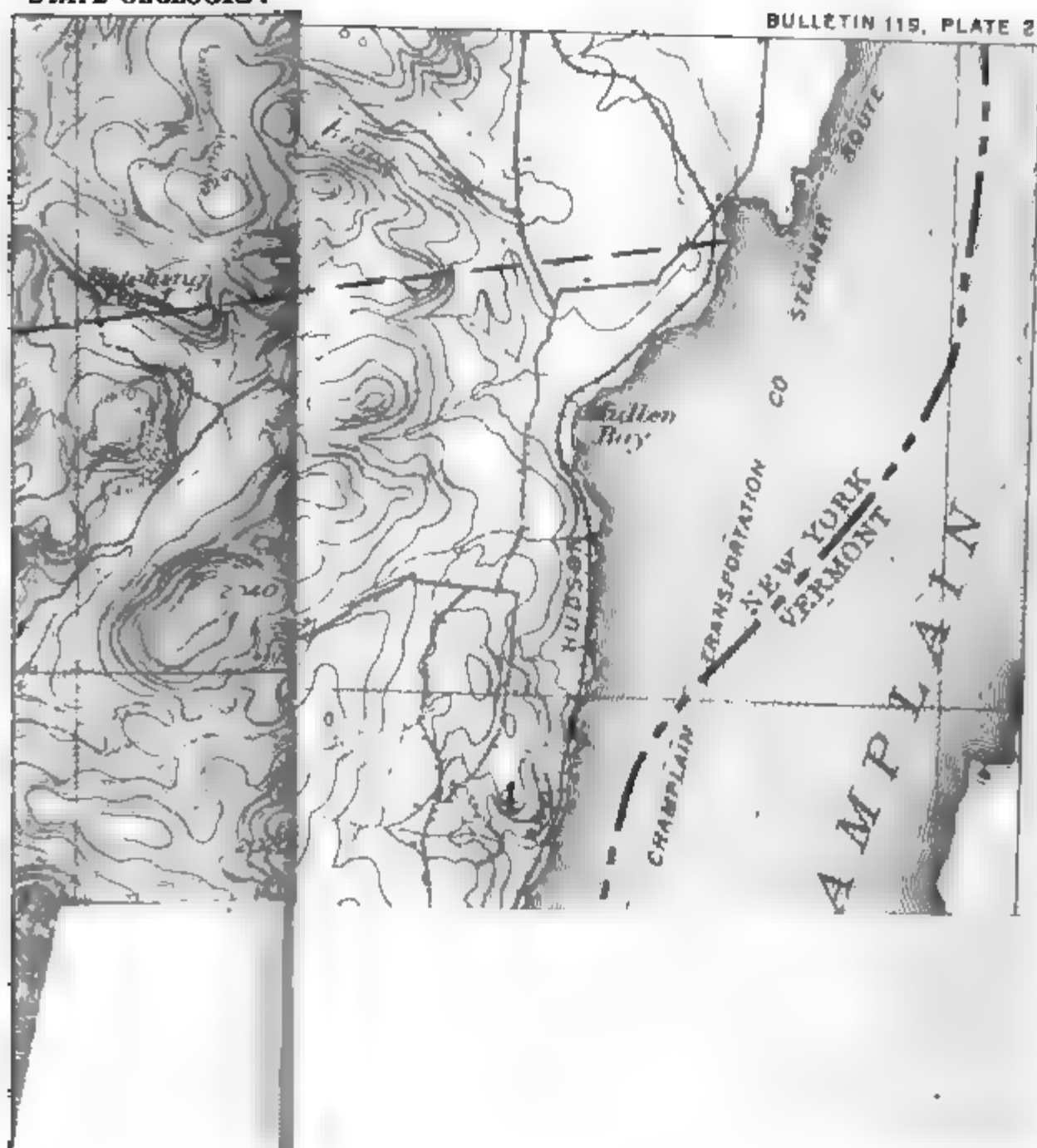
Iron.....	64.76
Sulfur.....	.06
Phosphorus.....	.16

Schofield mine. Ore was mined here between the years 1828 and 1845 and used in the forges at Schroon. The openings extend for several hundred feet along Skiff mountain near the base, trending about northwest and southeast. Apparently the excavations do not reach much over 100 feet in depth. The ore is rich, but does not average above 3 feet in thickness. A large quantity of waste rock has been taken out in working the deposit. The following analysis by J. B. Britton is reported by Maynard:

Iron.....	62.36
Insoluble silicious matter.....	7.23
Sulfur.....	nil
Phosphorus.....	.02

EDUCATION DEPARTMENT
JOHN M. CLARKE
STATE GEOLOGIST

BULLETIN 119, PLATE 2



10.1.1



THE MINEVILLE-PORT HENRY MINE GROUP

BY

JAMES F. KEMP

Location and distribution of the ore bodies. The largest and most productive mines in New York at present are situated at Mineville, 6 miles northwest of Port Henry on Lake Champlain. Port Henry, the shipping point and the location of a blast furnace, is the town most widely associated with the industry in the minds of people in general, but the most important ore bodies really are at the above mentioned distance from it. In former years a very productive deposit was the basis of extensive operations at the Cheever mine, 2 miles north of Port Henry and near the shore of the lake. It is now being reopened with a view to magnetic concentration, but none the less the great center of ore production is at Mineville. There are two companies actively engaged at the latter place, Witherbee, Sherman & Co. Incorporated; and the Port Henry Iron Ore Co. The total output of the former is estimated at 15,000,000 tons, and, if to this is added the total shipments of the latter, the entire yield of the ore bodies up to date can not be less than 25,000,000 tons. There is no sign of exhaustion, and thus the amount of iron originally present in these deposits makes them rank well up among the great ore bodies of the world.

Besides the Cheever and the Mineville mines, there are several other smaller openings in the same general area. Almost within the limits of Port Henry itself is the Lee mine, a bed of somewhat sulfurous ore, now long idle. On the west side of the ridge separating Mineville from Lake Champlain and just at its foot is a series of openings locally called the Pilfershire pits, also long idle. Again just north of Port Henry, along the lake shore, according to the report of E. Emmons on the Second District [p. 236, 1842] there is a body of ore opened in his time as the Crag Harbor bed. Three or four miles southwest from Port Henry is another pit, now abandoned but opened up first by Butler and Gillette and continued under the name of the Essex Mining Co.

All these localities are marked upon the accompanying map [pl. 2], which is taken from the Port Henry and Elizabethtown topographic sheets, issued by the United States Geological Survey, the scale being 1 mile to the inch. Under the general name of the Mineville group are included a number of openings which

stretch along from Mineville for nearly 2 miles to the north, even crossing the line of the town of Moriah into Elizabethtown.

History. The first of the ore bodies to be discovered was the one which is now called the Cheever, but which when Professor Emmons was preparing his report, 1836-42, was known as the Walton or Old Crown Point vein [see Emmons's Report on the Second District, p. 237]. Nevertheless the name Cheever appears in Professor Beck's report on the Mineralogy of New York [p. 15]. The Cheever had been worked for 50 years when Professor Emmons visited it, and this would place its opening at 1785-90. The ore beds at Mineville were known in 1835-40, but the largest of them, as now revealed in the "21" mine (so named from the number of the old land lot) was first opened in 1846.¹ It is evident that the early mining industry was prompted by the call for ore for the small blast furnaces which still remain in states of indifferent preservation. Plate 3 is from a photograph of the old Colburn furnace which was built in 1848, and which still stands about a mile west of Moriah Center. Another one is represented by a pile of collapsed masonry, at Fletcherville, also called "Seventy five" a mile and a half north of Mineville. At Port Henry there was a furnace at Cedar Point, even in Professor Emmons's time, and this is the site of the large plant now in full blast. Twenty years ago there were two other blast furnaces called the Bay State, and situated just west of the steamboat dock. The abundant slag along the shore at this point came from them, but they have since been torn down.

The old bloomeries or forges were located where there was a water power sufficient to run the blast and the trip hammer. But for 25 years or so they have been extinct. In their day they consumed an appreciable fraction of the output of those mines which were low in phosphorus and sulfur. The ore was hauled many miles to them. By 1890, except perhaps at Standish, in Clinton county they had practically gone to the scrap pile.

Topography. Lake Champlain stands at an altitude of almost exactly 100 feet above tide. Over extended areas its bottom is well below sea level, and in its deepest parts is more than 250 feet lower than the surface of the ocean. Its western or New York shore is marked by a series of spurs of the Adirondacks which come down to the lake with a northeast trend, and either ending abruptly at the water's edge or projecting into the lake itself.

¹ See Eng. & Min. Jour. May 26, 1900.

Plate 3



slburn furnace, a charcoal stack built in 1848, about 1 mile west of Moriah Center, near Mineville

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contain between them reentrant bays or valleys of much gentler upward gradient. At the mouth of one of these valleys, yet at the summit of a somewhat steep terrace, is the village of Port Henry on the 200 foot contour. To the westward beyond the terrace the surface rises again quite steeply to the 500 foot contour and higher. The gentlest gradient is south of the village along the valley of McKenzie brook, a line utilized by the Lake Champlain & Moriah Railroad, which brings the ore to the docks. The general valley is abruptly closed on the south by Bulwagga mountain, a steep fault block which fronts Lake Champlain at an altitude of 1100 feet; while on the north, Bald Peak at 2055 and its southern spurs with declining heights for 3 miles, stand between the hinterland and the lake. In a general way behind this ridge and forming a broad and upward sloping valley lies the heavily drift-covered district containing Mineville, which with its mines is situated at the foot of the inclosing hills at the north. While a few ledges project above the general mantle of sand and boulders within the broad valley, yet there are 2 or 3 square miles without exposures of any kind, and the largest ore bodies themselves must have been at the outset covered by at least 15 or 20 feet of drift.

If from the summit of some neighboring mountain the observer endeavors to eliminate in his imagination the cover of drift and restore the old bed-rock topography, the valley becomes one of presumably gentle outlines, broken at the foot of many of the elevations by steep and somewhat precipitous ledges. The latter have been in part, no doubt, freshened up by the erosion of the great ice sheet, but they are believed to have been primarily caused by faulting. The broad and open character of the valley is due to the relatively easy erosion of the rock formations lying beneath, since enough exposures can be identified to lead to the conclusion that they were once and probably still are in large part Precambrian or Grenville limestones and their associated sediments, whereas the hills are in most though not all cases the harder gneisses which are believed to belong to intrusive masses of rock.

These general topographic relations are brought out upon the accompanying map [pl. 2]. From it we see that Mineville is on the 1200-1360 contours, while the largest mines open on the 1300. This makes it necessary for the railway to climb 1200 feet in its 6 miles of track, and since, in the nature of the case, this rise is not evenly distributed, the engineering problem presented is one of some difficulty. Heavy engines adapted to mountain railways are necessary, but as the heaviest traffic is downward, the grades

chiefly militate against the return of empty cars and the haulage of supplies for the mines.

Geology. As affecting the ore bodies, two geological series are of chief importance, but there are at least two others of eruptive rocks which also concern them. Later than all and having little to do with the ores, but mentioned so as to complete the local geology, there are the Paleozoic sediments. The accompanying columnar statement presents all the formations from the latest above, to the oldest beneath.

	<i>Champlain clays</i>
	<i>Glacial drift</i>
Paleozoics	<i>Utica slate</i>
	<i>Trenton limestone</i>
	<i>Chazy limestone</i>
	<i>Beekmantown limestone</i>
	<i>Potsdam sandstone</i>
	<i>Diabase dikes</i>
	<i>Gabbros</i> , dark, basic and more or less gneissoid. In the mining localities of uncertain relation to the syenites
	<i>Augite syenites</i> and related types more or less gneissoid
	<i>Anorthosites</i> more or less gneissoid
	<i>The Grenville series</i> of metamorphosed sediments, limestones, quartzites, hornblende schists and rusty schistose gneisses

Champlain clays. The clays appear along the lake shore and are practically limited to a zone a hundred feet more or less above it. They have no bearing upon the iron industry.

Glacial drift. Under this term is embraced the morainal materials, sands and gravels, which beginning higher up from the lake than the Champlain clays mantle all the surfaces. Even the highest peaks are not free from boulders and the rounded cobbles of the hard resistant Potsdam quartzite are everywhere throughout the area. Sometimes the drift is water sorted but in the cases which especially affect the mines in the vicinity of Mineville it consists of heavy boulders and sand. In sinking the Harmony shafts quite 200 feet of this overlying burden were penetrated and in a neighboring bore hole, 248 feet, before bed rock was reached. These depths were encountered on the side of the present valley and above the stream bottom. Under these circumstances ore bodies can only be located by means of a magnetic survey, and this method is carried out by the companies with magnetometers

of Swedish type. Explorations with the diamond drill then follow.

From Mineville southward through Moriah Center, Moriah (locally called "The Corners") and still farther, the mantle of drift extends with comparatively few exposures of the bed rock. Just east of Moriah Center, Mill brook has cut into it fully 100 feet without reaching the rock bottom. Presumably the expiring glacial activity filled the valley and the movement was probably from the northeast since such scratches as remain in the general region run n. 50°-60° e. The boulders seldom attain the gigantic size sometimes shown farther within the mountains but individuals up to 6 or 8 feet are not uncommon.

Paleozoic sediments. These strata are practically limited to the lake shore in the region under consideration. The Potsdam projects up the valley of McKenzie brook for perhaps half a mile from the water, but ceases long before it is concerned with any mines. No further mention is therefore made of any of them.

Diabase dikes. These interesting narrow bodies of dark basaltic rock are widespread and of no small scientific interest. Throughout the Adirondacks they appear not uncommonly in the mines, and usually occupy a fault line by which the ore is thrown varying distances up to 30 or 40 feet. They strike in two principal directions, a northeast set, embracing about three quarters of the known instances and an east and west set, including almost all the rest. In only one or two instances have they been observed with a northwest strike. These directions correspond with the chief structural breaks, and undoubtedly in seeking a path to the upper world the dikes have merely followed the lines of least resistance.

At Mineville, one, with an east and west strike is known in the Joker working; two or three, with a northeast strike cut the Harmony bed; one appears in the Miller pit, which is probably continuous with one of those in the Harmony bed, and another was reported from the Old Bed workings in former years. The rocks are all badly decomposed and not in good condition for careful determination. It is necessary to exercise care lest the darkened and chloritized breccias along faults be mistaken for them.

In the Cheever mine a number of dikes were met in former years and have been figured by B. T. Putnam.¹ The strike is not recorded and may be judged only from the fact that the dikes

¹ Report on the Mining Industries of the United States, Tenth Census, v. XV.

cross the east and west section which he gives. During all the writer's experience the mine has been full of water.

Diamond drill cores on the surface near the Lee pit indicate another dike in its northern extension and observations on the surface show it to be a large one. It can be traced for a quarter of a mile to the northeast.

In this district the dikes have not shown more than 4 or 5 feet of section in the mines. They are likely to appear at almost any moment and they may be associated with small faults, but they need never cause anxiety beyond this possibility.

Dark basic gabbros. These rocks are widespread and yet in less areal extent than the others whose description follows. They seem to appear without any pronounced structural relationship, but to have welled up as the last large product of the great igneous activity. The diabase dikes are so much smaller that they are not considered to be of the same order of magnitude. The gabbros are dark green or black in color and have, when closely examined, a faint pinkish cast from the quite invariable and richly disseminated small garnets, which are general throughout the mass in the form of rims around the dark silicates and iron ores. The chief component minerals are a dark green plagioclase, in rudely tabular crystals, so thickly charged with dust of pyroxene and spinel as to be at the best translucent in the slides; augite, which is black in the hand specimen and green in the slide; hypersthene of variable though sometimes large amount; brown hornblende in the same relations; and very abundant and sometimes relatively large bits of titaniferous magnetite. The feldspars on the one hand and the dark silicates and ores on the other almost never come into actual contact, but are separated by the rims of garnet referred to above, which course through the rock in faint pink bands.

The gabbros almost always show some gneissoid foliation. In extreme cases they pass into hornblende schists or amphibolites. In large part the change is probably due to dynamic shearing and dragging, but the banded alinement of the minerals may be in part attributable to original flow structures. The gabbros assume the form of intrusive sheets and irregular masses, whose outlines can seldom be worked out sharply because of lack of exposures. The railway cuts along Lake Champlain show that the intrusive mass may tongue out into the Grenville limestone with all manner of apophyses. Elsewhere single dikes are known, although they are not sharply defined anywhere within the area under discussion. In the maximum, the gabbros may cover as

much as a square mile. They are of special interest because they contain bodies of low-grade titaniferous magnetite in numerous localities. These ore deposits have received some practical attention and will be mentioned in detail later.

The gabbros and their hornblendic derivatives may be very easily confounded with the basic phases of the syenites to be next described. The two rocks look extraordinarily alike. Yet under the microscope at least, the syenitic varieties display abundant orthoclase, the gabbros plagioclase. The garnets are more abundant in the gabbros, although they do not entirely fail the syenites. The granular fracture of magnetite is more in evidence in the gabbros, but when all is said, the field observer may often be in much doubt when confronted with the dark, basic gneisses, as to which rock he is dealing with. For the present we may consider them distinct.

Augite syenites and related types, more or less gneissoid. The syenites, now that they are well understood, are proving to be one of the most important members among the rocks of the eastern Adirondacks. They were first identified in the west and north by C. H. Smyth jr, and H. P. Cushing, respectively, for although gneissoid members with the corresponding mineralogy were found in the east, they were at the outset placed with the doubtful gneisses and were not recognized as distinct eruptives. The diamond drill cores at Mineville have done much to clear up their identity, and as they afford perfectly fresh rocks in definite relationships, they are in the highest degree illuminating. For several years they have been carefully saved and recorded by Witherbee, Sherman & Co., and have been of the greatest service in the preparation of this description.

The syenite is an extremely variable magma which must have been sharply differentiated into contrasted products, which then constituted different layers in the fluid mass at the time of intrusion into the older rocks. At Mineville, diamond drill cores have in one case been available showing a continuous section of nearly 1000 feet; in another of nearly 1400 feet, and in many others of less, so that the relationships of the several layers can be carefully studied.

The typical syenite consists of micropertthitic orthoclase — that is of orthoclase filled with flattened spindles of albite — of emerald green augite, which looks black in the hand specimen; of brown hornblende, and of less abundant hypersthene. Magnetite is of course present in subordinate amount, and titanite, apatite and

tiny zircons do not fail. Quartz is not entirely lacking, but in typical specimens it is a minor component. The syenite was called in the writer's earlier paper, the "Barton gneiss." A number of analyses have been made for Professor Cushing from specimens gathered in the northern Adirondacks and they uniformly run below 65 per cent SiO_2 , the percentage at which quartz begins to be an important mineral in the eruptive rocks.

In the cores as well as in the hand specimens the syenite is a blotchy, black and green rock, which always has a pronounced green cast when fresh. On ledges that have been long exposed to weathering it is often decidedly rusty, especially in the basic phases. While the percentage in iron is not so very high, yet this element must be combined in one or more of the minerals in some unstable form, such that it readily oxidizes. It is often necessary to break into good sized blocks before the reasonably fresh green rock appears at the core. It has also been our experience in the field to find the syenite sometimes developing on exposure a dead white crust that resembles the anorthosites and that is deceptive. In these varieties the iron must be in small amount or else limited to some stable compound that resists decay. In fact with the variations to be next outlined and the protean appearance on weathering, it is not surprising that the syenitic rocks have so long escaped identification as such.

As a departure from the normal proportions of feldspar and dark silicate, we sometimes find the latter developing in greatly increased amount. The feldspar is far less prominent and a dark basic rock ensues which on slight acquaintance one would consider a basic gabbro or diorite. But the characteristic feldspar, as well as the normal dark silicates of the syenite, are still present, and both in the drill cores, as well as in the field, we find a quick passage from the usual variety to the basic with no eruptive contact that would indicate a separate intrusive mass or an included sediment. For these dark bands we can adduce no other reasonable conception than that the original intrusive mass was in parts more basic than elsewhere, and that if its parent magma were homogeneous, it separated, as has been so often observed in later years in large eruptive masses, into portions of contrasted composition although of common parentage. This basic syenite was not recognized as such in the writer's previous paper, but was esteemed to be a gneissoid representative of the gabbro. While it resembles this rock in the closest way, yet the drill cores now available prove its affinity with the syenites.

As contrasted with the basic members acidic varieties are also to be found most significantly in the cores but also in the natural ledges. In the acidic varieties the dark silicates retreat, it may be even to the vanishing point, while quartz enters and the rock reaches well into the mineralogy of the granites. The feldspar is most commonly microperthite as before and when mingled with abundant quartz it yields the "21 gneiss" of the writer's earlier article. Dark silicates almost entirely fail, plagioclase is rare, but magnetite is invariably present in scattered grains, which in the cores, unless care is taken, might readily be taken for a dark silicate. This rock is one of great importance in the geology of the ores since it is the common hanging wall of the Old Bed group. Although in coarseness of crystallization it does not vary in texture from the typical syenite, yet both in mineralogy and in rare associated minerals it suggests the suspicion that it has affinities with pegmatites, or that some influence such as the presence of vapors or mineralizers aided in its development from the normal syenitic magma. From this highly acidic and light colored rock the transition is abrupt to the dark basic masses of iron ore.

Another light colored phase consists of oligoclase and quartz with a few magnetites and zircons. This was specifically found above the Barton Hill group, and was described in the writer's former paper as the "Orchard gneiss." It is after all a not very different rock from the "21 gneiss." Microperthitic orthoclase implies rich soda because of its albite spindles, whereas, if the potash of the orthoclase fails and a slight increase of lime takes its place, we have the necessary components of oligoclase.

A still further variation from the normal augite syenite, is one in which the feldspar and the dark silicates, augite and hornblende, are in the usual proportions of say two thirds feldspar and one third dark silicates, and yet oligoclase takes the place of the usual microperthite. A rather acidic diorite results, but yet so involved with the syenites as to prevent one drawing any distinctions between them, as being separate intrusive masses.

In the above condensed outline of the rocks, the characteristic names of igneous types, syenite, gabbro, diorite etc., have been employed, implying that the rocks themselves are igneous. This is opposed to the older idea which is generally still held by the engineers and others engaged in the mining industry. The latter view the ores and their inclosing rocks as sediments, which conform in a pronounced degree to the sedimentary structures shown by strata in parallel arrangement and in folds and faults. The writer

does not wish to discuss at length the points for and against each of these views in this place, reserving it for the fuller space which will be afforded by a separate bulletin on the Port Henry and Elizabethtown quadrangles, now in preparation. If supporters of the sedimentary view will add to the rock names used above the word gneiss, or change the rock names into the form of adjectives, so as to have syenitic gneiss, gabbroic gneiss, dioritic gneiss, etc., thus using them as short cuts of expression for the mineralogy of the gneisses, they may still be regarded from the point of view of sediments. The full discussion requires chemical analyses, and more ample illustration. Whether we have, however, parallel metamorphosed sediments, or differentiated layers of eruptive rock, the structural features of folds and horizons are not changed and for practical purposes these are the really important considerations. The ores, which occur at Mineville as integral members of the syenitic series, are in the form of layers conformable to such banding or foliation as appears in the rocks. These layers bulge and pinch to a remarkable degree, and in the case of the Old Bed group (or Mineville group of the writer's earlier paper) extend in a practically unbroken stretch for half a mile exhibiting at the same time a very complex and puzzling fold; while in the Barton Hill group the extent is still longer but the structure is simpler. The so called Cheever bed with its extensions must be fully half a mile in length, but all the others are smaller. The bulges and pinches give a marked podlike or lenticular form so that at Mineville the ore bodies are a series of richer and thicker shoots whose long axes run in a parallel northeast and southwest direction.

The ores are granular masses of magnetite which in the Barton Hill group were prevailingly of Bessemer grade, but which in the Old Bed series are high in phosphorus from disseminated apatite. These are now run through a magnetic mill and freed of the apatite to such a degree that they are a better grade for the furnace and the apatite is salable for fertilizers. Occasionally where the apatite is relatively abundant and the ore occurs near a fault or line of crushing which has caused decomposition of the augite both in the ore and in the country rock, red hematite has been yielded and has filtered into all the little crevices and has given the ore a red color. This variety is the so called "red ore" of the cross-section. In the same way the country rock is also colored red.

In thin section the rich Old Bed ore reveals a noticeable amount of the green augite, characteristic of the syenitic wall rock. This mineral has certain optical properties that suggest a variety rich in

soda, but the inference has not yet been corroborated by analysis. The augite is, however, a much more characteristic igneous than metamorphic mineral, and militates against original sediments as the sources of the rocks and ores. The lean ores are mixed with the usual minerals of the wall rocks and among these the basic syenite is chief. Hornblende and biotite appear and bring down the percentage of iron. The Old Bed group is pretty sharply marked off against the acidic "21" gneiss, the quartz-micropertthite aggregate, but scattered grains of magnetite continue out through the latter for many feet.

Anorthosites. This great group of undoubted eruptive rocks is specially represented in the western and northern portion of the area. Its typical representatives consist almost entirely of labradorite which may be very coarsely crystalline, still there are always minor amounts of augite and titaniferous magnetite and often hypersthene associated with the feldspar. The dark silicates sometimes become relatively abundant and lead to much variation in the rocks. At least one distinctive eruptive mass is known, characterized by relatively large amounts of them and later than the main anorthosites. At the headwaters of the Hudson the anorthosites contain the large bodies of titaniferous magnetite, elsewhere described in this bulletin, but they are not known to carry ores anywhere in the vicinity of Port Henry. The known titaniferous masses of this region are all in the basic gabbros.

Grenville series. Under this name it has been agreed between Canadian and American geologists to describe the undoubted metamorphosed sediments. They constitute an important belt underneath Port Henry and for 3 miles or more north. They appear also west of Moriah Corners and well over to the foothills of the bounding mountains on the west. The most easily recognized of these rocks is a coarsely crystalline white limestone, with graphite and many bunches of included silicates. There is less often a serpentinous variety or opicalcite and with these are rusty quartz schists, mica schists, hornblende schists and thinly foliated gneisses. While there has been in the past a disposition to class with these the more massive gneisses yet it has been a growing belief as set forth above that the latter really represent the syenitic series of eruptives. The limestones and their included bands of silicates are mashed and folded in many complex and involved curves, some of which are curiously and strikingly suggestive of snakes and other organic forms. The sedimentary metamorphic rocks may possibly contain some ore bodies. The Lee bed of sul-

furous magnetite is at all events closely involved with them. Crystalline limestones occur abundantly in the 225 feet or 350 feet of rocks that overlie the Cheever ore body in the deepest part of its basin. The limestones and their associated strata appear on the surface, but the wall rock of the ore is a syenitic gneiss of the usual mineralogy. The Pilfershire ores occur in almost exactly the same relationship. The limestones are near and above but the ore is really in a syenitic gneiss. Between the Cheever and the Pilfershire there intervene nearly 2 miles of mountainous ridges of syenitic gneisses rising a thousand feet above the former, and while one may remark the similarity of position, it is rash to go further.

The Grenville series is thus closely associated with at least three of the ore bodies, but the latter are not actually in undoubted sediments.

Description of the mines

Following the map [pl. 2] the ore deposits will be briefly outlined in order from south to north.

No. 1. This pit now abandoned was opened by Butler and Gillette and continued under the name of the Essex Mining Co. The work was based upon a band of ore now represented by an excavation 40 feet long and 8 to 10 feet high, sloping at an angle of about 60° and striking approximately n. 12° w. magnetic. The dump alone reveals a rather lean ore with much hornblende and feldspar intermingled. The walls are reddish granitic gneiss. No analyses of the ore are available nor were any samples taken or notes recorded by B. T. Putnam for the Tenth Census.

No. 2. Lee mine. This opening is just in the outskirts of Port Henry and in a little hillock with abrupt north and east sides which rises from a valley covered with sand. The nearest rocks both to the east and west are the Grenville limestones and their associates, but faults quite certainly intervene between them and the mine. Its wall rock is a granitic gneiss, whose dark silicate is biotite. It is reddish in color and somewhat different both in minerals and appearance from the greenish syenitic wall rocks, elsewhere met with the ores. The ore strikes n. 20° w. and dips about 19° westward into the hill at the more northern slope, but swings around to the southeast and steepens to a 30° dip on the south. B. T. Putnam visited it in 1880, for the Tenth Census [XV: 115], and has left a plan and sections. The mine is cut off on the north by a trap dike with an east and west strike. The dike can be traced across the hills to the eastward.

The pit is now full of water and serves as a dumping ground for refuse from the neighborhood. Putnam saw the mine when active and states that 9 feet of pyritous ore was displayed in the face. In old pillars a cross-section can still be seen of lean, hornblendic ore. Putnam's analyses of samples from two lots, one of 2500 tons from the north slope, and one of 1500 from the south yielded the following. The sulfur, however, was for some reason not determined although it is the chief point of importance after the iron.

Iron	15.01	44.38
Phosphorus.....	.047	.04

The ore is of low grade but the phosphorus is also low.

No. 3. Crag Harbor ore body. This is described by E. Emmons in the report on the Second District, page 236, as occurring in a cliff, 50 feet above the lake and half a mile below (north of) Port Henry and as being the most conveniently located of all the ore bodies in the region. It was 12 feet wide, in hornblende, and dipped 35° west. The vein extended half a mile along the lake but the ore was pyritous, tough and difficult to crush for the forge. An analysis from Dr L. C. Beck's report on the *Mineralogy of the State*, pages 15 and 37, is as follows:

FeO.....	24.50
Fe ₂ O ₃	64.80
SiO ₂ . Al ₂ O ₃ , etc.....	8.70
	<hr/>
	100.00
Iron.....	65.23

This old deposit is no longer worked and has almost been forgotten. It occurs where the gabbros are a marked feature in the Delaware & Hudson Railroad cuts and it may be titaniferous. Since both Dr Beck and Professor Emmons speak of its difficulty of treatment the titanium may be the reason. Little was known of titanium in their time.

No. 4. Cheever mine. This, the oldest opening in the region, is situated about 2 miles or less north of Port Henry, and at its eastern edge, outcrops rather more than a quarter of a mile from the lake shore and about 300 feet above it. The chief workings are just north of a small east and west depression, through which a little brook passes into Lake Champlain, falling over a fine ledge of Grenville limestone, one of the best exposures in the region.

There is certainly a great fault between the limestone and the eastern edge of the ore, since north along the railway the limestone gives way to greatly brecciated gneisses. Farther north again gabbro appears, but in irregular exposures mingled with hornblendic gneisses and quite difficult to understand. The ore itself, however, outcrops as a marked band or bed in green syenitic gneisses, and runs to the north for nearly a mile, with occasional pits. The Cheever at the southern end is, however, the chief one. These workings, now being revived after years of idleness, dip down steeply, at 50° or 60° , then flatten at somewhat over 200 feet vertically from the surface and run westward until cut off by a fault. Their relations are shown on the accompanying section [fig. 5] reproduced and reduced from the bulletin of the New York State Museum 14, page 346. The only point of revision lies in the fact that our recent fuller knowledge of the basic syenite gneisses, makes the occurrence of unbroken gabbro on the east doubtful. Field observations the past summer led to the con-

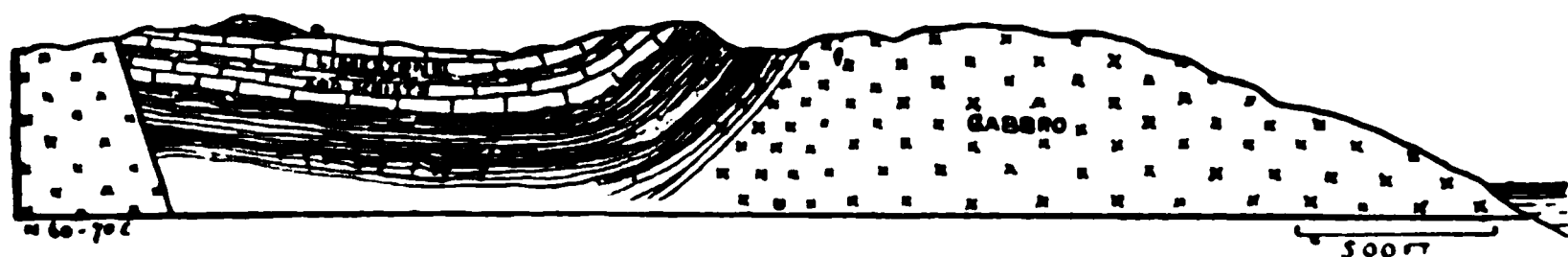


Fig. 5 Cross-section of the Cheever mine

clusion that much of the black hornblendic gneiss, formerly taken for gabbro, is basic syenite gneiss, but massive gabbro does occur mingled with it. The ore is a band in the syenitic gneiss, here quite quartzose, and about 150 feet from the undoubted Grenville. Below the ore 50 feet of similar gneiss appears before the basic rocks take its place. As the ore bed is followed north the dip appears to flatten and in an old working about half a mile from the Cheever slopes, the strike is north and south and the dip 20° w. The same wall rocks, however, appear.

Another outcrop of ore appears along the present highway a quarter of a mile north of the old Cheever engine house. It strikes northeast and dips southeast. It has limestone not over 15 feet above it and while thus apparently stratigraphically higher or nearer the limestone than the position of the western end of the Cheever, if we consider it the same bed, it suggests a synclinal basin for the ore, with a pitch of the fold to the south. There can be no doubt that a north and south fault on the west beneath a meadow cuts off both the ore and the Grenville series in this direction.

The Cheever ore resembles very closely the Old Bed variety at Mineville. It is not quite so rich in phosphorus, but is still rather high in this element. Mr Putnam for the Tenth Census [XV: 114] took six samples, four underground and two from stock piles on the surface, which showed the following percentages:

Iron	65.33	63.5	63.86	64.42	64.77	63.08
Phosphorus.	0.643	0.603	0.689	0.452	0.673	0.573

Titanic acid was found in five of the six, but its amount is very small. The ore is rich and as shown by the analyses, it is of quite remarkable uniformity. Recently [1907] a small magnetic mill has been built and concentration of the leaner unused ore is to be attempted, accompanied by a reduction of the phosphorus.

Nos. 5 and 6. These two pits are called the Pilfershire. They lie at the western foot of the ridge which intervenes between Moriah Center and the lake. Not far above them is the Grenville with its limestones, and the relations are extraordinarily like those at Cheever. Even the gabbro appears not far to the eastward as detected by F. L. Nason, who has called the writer's attention to it.

The southern pit is a small one and of no particular importance. The northern pits consist of three larger and two smaller openings. They strike nearly north and south and dip 60° west, passing below the highway 50 feet lower down. The wall rock is the familiar green gneiss which in thin section shows plagioclase and pyroxene. The mines are now abandoned and full of water.

The close parallelism between the geological relations here displayed and those at the Cheever is worthy of emphasis. In both the ore belt strikes nearly north and south and dips at about 60° west. It is in the characteristic green gneiss of almost identical mineralogy. Just above are the Grenville limestones. Just below but after an interval of gneiss is the gabbro. Between the two stands a ridge of old syenitic gneisses, with no Grenville involved and extending 2 miles without a break. Undoubtedly faulted upward, they make a mountain summit, 500 feet above the Pilfershire and 1000 feet above the Cheever.

Nos. 7 through 11. Mineville group.¹ A general outline of the

¹In the preparation of these notes, every possible kindness has been extended to the writer by Mr S. Norton, general manager of Witherbee, Sherman & Co., Mr S. LeFevre, chief engineer, and Mr Rogers Hunt, assistant engineer. Mr Guy C. Stoltz, engineer for the Port Henry Co., has been equally courteous and helpful in affording data and advice regarding the adjacent properties.

relations of the ore bodies at and near Mineville, may first be given. There is one group of mines based on a large faulted and folded ore body in the village of Mineville itself. It outcrops at about the 1200 and 1300 foot contours and is the basis of several distinct mines, some of which are no longer worked. A half mile to the northwest, Barton hill rises to an altitude of 1880 feet and on its eastern slope, and ranging from its 1300 contour to the 1750 is a long diagonal outcrop with many pits. The group, collectively taken, is here called the Barton hill. It is possible that this bed swings around to the east under the drift and is the basis of the two Harmony shafts, south of the Mineville groups [see map: fig. 6]. Yet there is still much uncertainty about this connection.

At the north end of the Barton hill group a gap of concealed and drift-covered fields intervenes with no demonstrated ores. After half a mile, ore again appears in two bands one over the other, at the openings called the Fisher hill and Burt lot, both on the 1600-1640 contours and now for 10 years or so idle.

A half mile east of Fisher hill and on the 1450 contour of another hill, is the recently revived Smith mine, whose ore body is tapped still lower down by the O'Neill shaft. Another interval ensues to the north and then after half a mile two old-time but long abandoned mines are met, called the Hall and the Sherman. The former is one of the oldest in this locality and is mentioned by Professor Emmons. Drilling has recently been in progress in exploring them, but no mining has been done for many years. Still farther north no ores are known for several miles.

Mineville group. These great ore bodies are the chief source of the local production, and they present a mass of noble proportions. Thanks to the liberal spirit and courtesy of the two companies, and to the excellent and careful records of the engineers they can be so well illustrated that with the solitary exception of the Tilly Foster mine in Putnam county, they give us the best idea of the general shape and relations of a magnetite body, yet afforded in this country. At the latter the structural relations are simpler, and the amount of ore much less. The Mineville group presents a very violent case of folding, accompanied by stretching and pinching of the crest. The ores are in a pitching fold which makes depth rapidly to the southwest, so that we have to keep the relations constantly in mind in terms of solid or three-dimensional geometry. At the north end we have further to deal with a series of faults and a very puzzling relationship, which on the basis of one bed of ore is not easy to satisfactorily clear up. In the present description, the writer's

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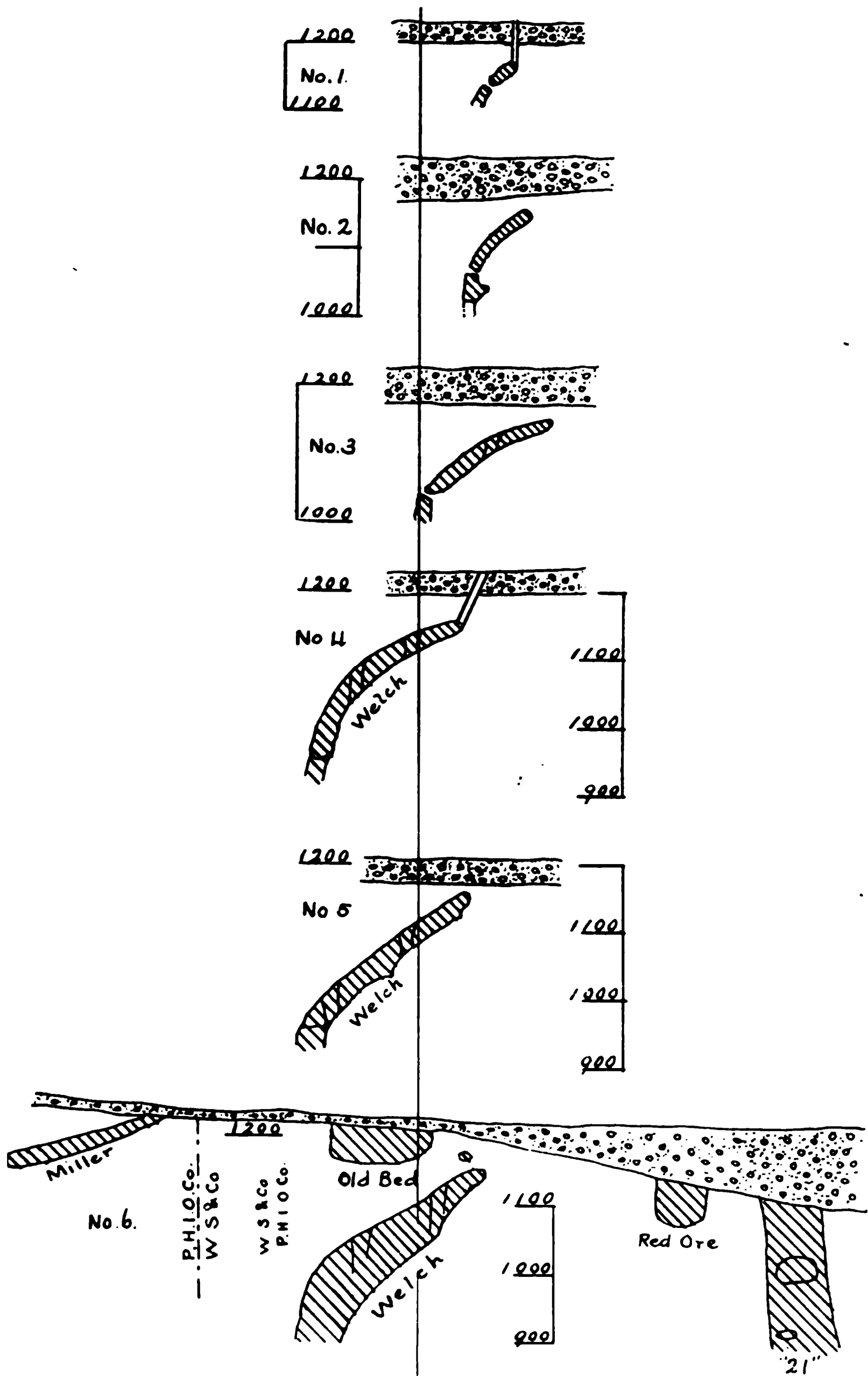


Fig. 7 Sections 1 to 6 of the Old Bed ore bodies Mineville. Sections are 100 feet apart and drawn with the same vertical and horizontal scales. See figure 6

paper and sections prepared in 1897 and published in the Transactions of the American Institute of Mining Engineers, volume XXVII, pages 146-204, are brought up to date and are made to include the results of 10 years of mining.

There are three principal and separate faulted parts of one great bed, viz: roughly from north to south, the Miller, the Old Bed or Mine 23 (the first discovered under the name of the Sanford pit) and the "21"-Bonanza-Joker continuous ore body, the chief source of the ore. There are several shafts for Old Bed and "21" (named from the lot) and there are large open pits as well. The axis of the fold strikes about n. 30° e., true, and, as stated pitches south. The full extent to the south has not yet been revealed. The sections here used are 24 in number, separated by intervals of 100 feet, so that they cover 2300 feet. The folded bed is broken by two main faults with strike a little more northerly than the axis of the fold, and apparently by one east and west fault under the skip way of mine "21." At least two trap dikes are known, running parallel with the main faults and probably themselves following additional small fault lines, while one other dike crosses the Joker at its southerly end in a nearly east and west direction. In the Harmony mines, the apparent prolongations of the north and south dikes are revealed. If now the reader follows the description with the diagrams beginning on the south with No. 24, the relationships can be most intelligibly stated [fig. 7-14].

Section 24 is largely inferential, but it is probably not far from the truth. The ore is a steep, vertical anticline, doubled over a fold of rock, and bulging at the lower part of the east limb. In No. 23, which is more fully based on mining experience, a great swell has developed in the eastern limb, and a tendency is shown toward a closed fold, the two limbs coming almost together in depth. In No. 22 the swell is more pronounced in the east limb, and a curious shoulder with an almost flat top has been revealed in mining. The interior core of rock shows a sympathetic development in the same way. A smaller swell or bulge is manifested in the west limb. In No. 21 the swell contracts a bit, but the bulge toward the upper left hand begins to assert itself, which is thereafter so marked a feature, and is apparently due to the stretching of a wellnigh viscous mass under irresistible compression, if indeed the rock was not still liquid from an original molten state. In No. 20 this upper left-hand bulge is much more pronounced, while the eastern shoulder is still very much in evidence. The intervening horse of rock has widened appreciably. In section 19 the upper western bulge has

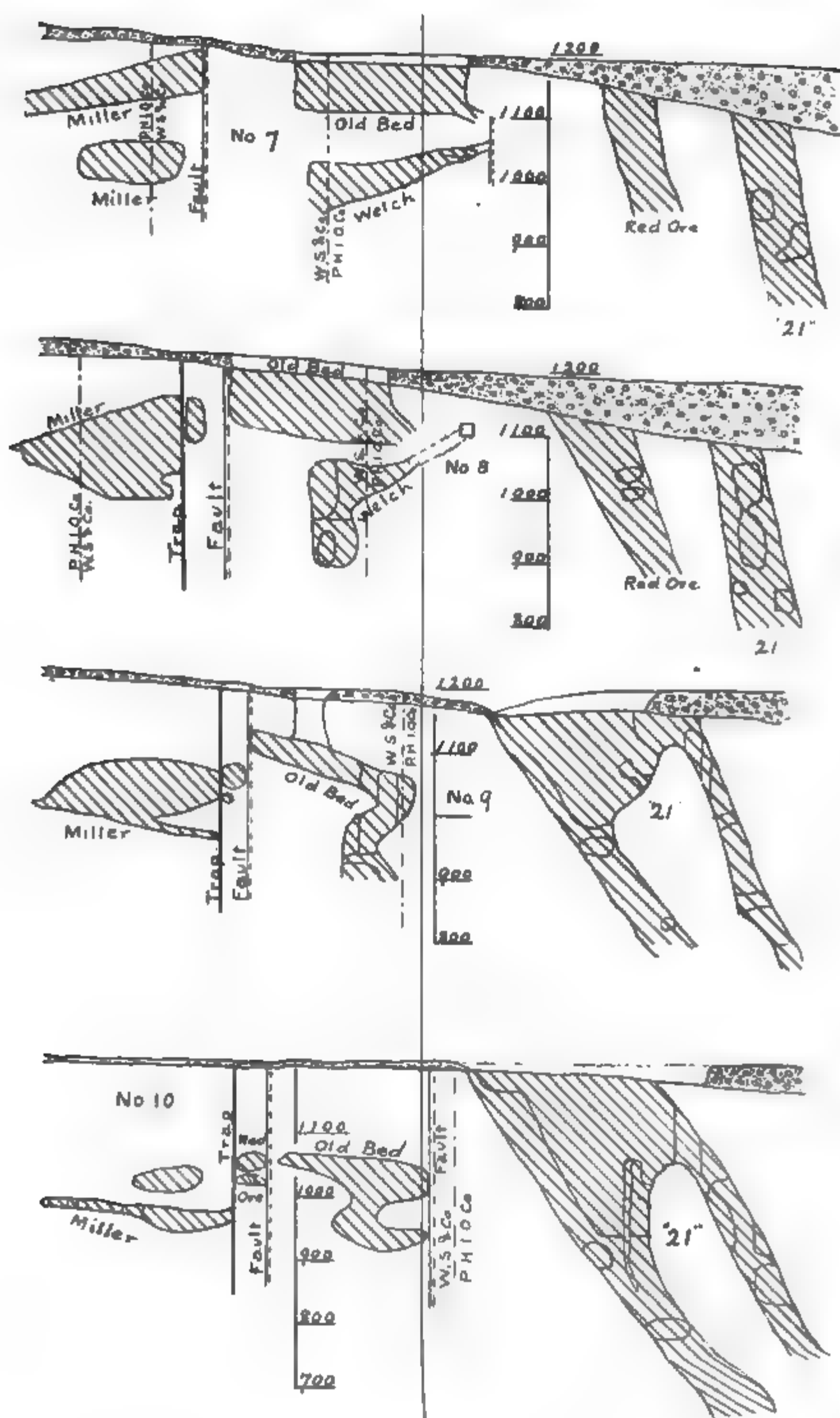


Fig. 8 Sections 7 to 10 of Old Bed ore bodies, Mineville. See figure 6

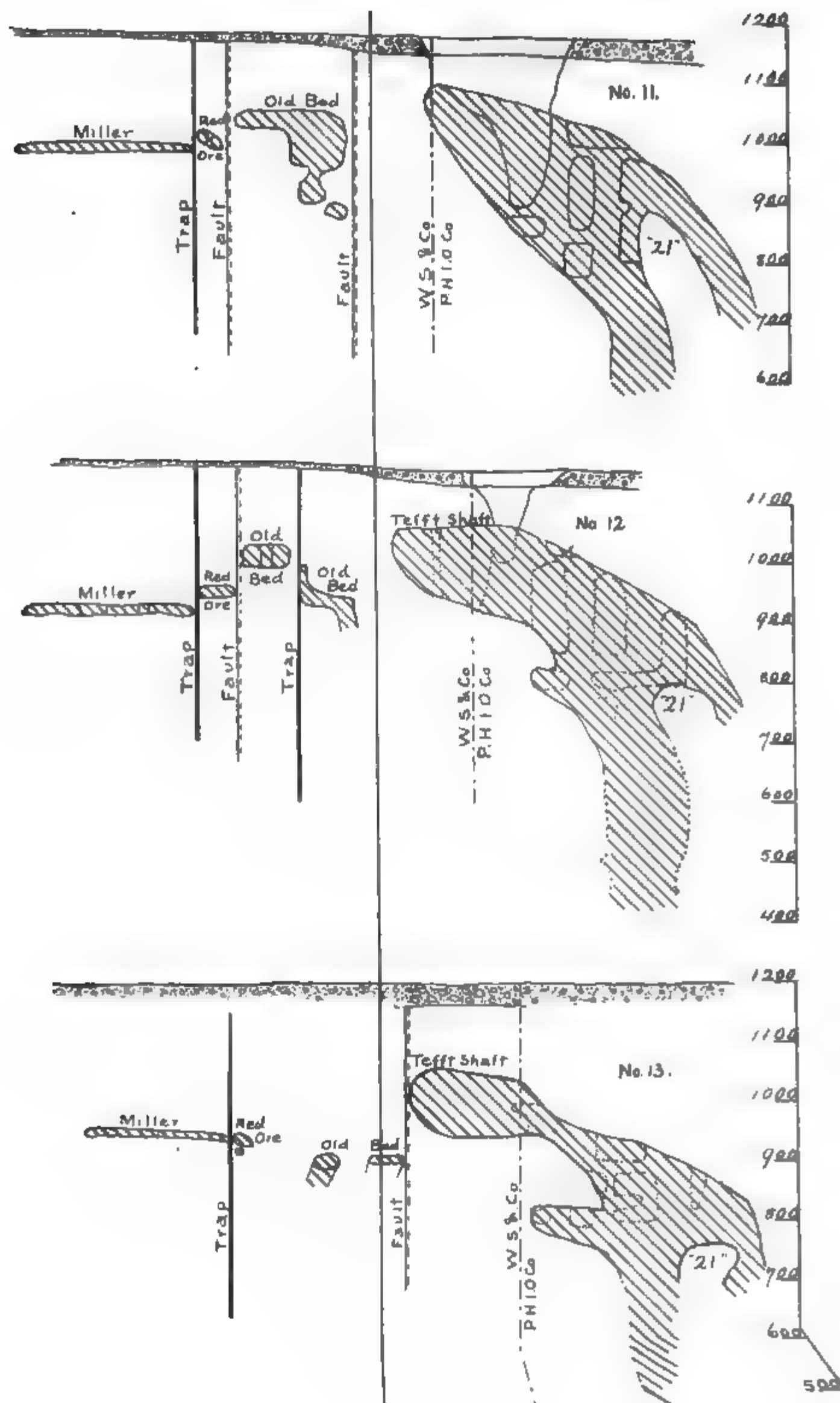
thinned somewhat, and has a very flat top, while the western shoulder has narrowed. It is very near the point where the Joker shaft first grounded in the ore. In No. 18 the upper western bulge has shrunk still more and the eastern lower shoulder has almost disappeared. Deeper mining has shown the true relations lower down on the limbs. We find them pinched together, so as to entirely circumscribe the horse of rock. In No. 18 also the sections first intersect the Miller pit as a small end of what soon becomes a large ore body. This can best be followed up by itself. In No. 17 the limbs have parted again, so far as yet indicated and the horse of rock has widened. The upper left-hand bulge has drawn in a little more. In No. 16 there is a bulge in the western limb, low down, but no very marked change in the other parts. In No. 18 we first encounter the property line and as developments have not been extensively made on the east side the data are not yet available. It is not an unreasonable expectation that the bulge in the lower right-hand limb of the earlier sections should manifest itself in depth to some extent in the as yet undeveloped portions to the north.

In No. 15 there is little change, but additional data as gained in the future will be of great interest. Between 15 and 14, a very remarkable change takes place. Apparently by a pinch and thrust from southeast to northwest a great bulge or wrinkle was rolled up on top of the anticline hitherto described, and just above its horse or core of rock. The old anticline soon pinches out but the new wrinkle bulges into a great second shoulder or roll, higher up than the one which we have hitherto followed. The latter gradually diminishes and in the end practically disappears between Nos. 12 and 11. Meantime the increasing bulge of the new wrinkle makes the noble ore body which was opened up originally in the Tefft shaft and in the great open cut of the "21" pit. The central horse of rock itself turns up to the vertical and, in the No. 13, even rolls over beyond it. All these features appear in sections 14 through 11. The upward trend or pitch of the axis of the fold now asserts itself strongly, and in Nos. 10 and 9 we see it almost reach the surface. Between 9 and 8 it emerges and thereafter the ore is in two separate limbs which run through No. 6. Beyond this point they have not been much mined in recent years, but, leaving faults out of consideration, we should expect the ore to be terminated only by the upward rise of the original outer or eastern edge of the great sheet of magnetite. This edge has been nowhere reached as yet in the deeper mining of the southern sections. It constitutes one of the



Mine 21, Mineville, N. Y. looking nearly east





(Fig. 9 Sections 11 to 13 of Old Bed ore bodies, Mineville. See figure 6

interesting questions for the future to develop. As to the course of the western limb, when prolonged beyond the workings as yet opened up, it is probably faulted upward in the Old Bed-Welch ore bodies. That is, it probably flattens, encounters the fault shown in sections 13 and 14, is thrown upward and constitutes the Old Bed-Welch ore body with all the convolutions of the latter. If we turn to section 10 in which Old Bed was followed up to the fault line, at about the level of 940 feet, we can see that in order to allow the western limb of "21" to flatten and come over to the fault, there must be a displacement of at least 300 feet. If the western limb of "21" rolls upward to the fault this throw will be diminished. We must not assume a purely vertical throw, since increasing experience brings home to us the conviction that almost always faults involve a diagonal shift along the fault plane.

Assuming therefore that Old Bed and Welch are the same ore body and are the faulted representative of the western limb of "21", an assumption which is corroborated by the similarity of the ores, we may follow out the curious convolutions presented by them. In sections 14 and 15 they are very indefinite and are mostly known by drill cores. The stray ore body shown in No. 15, on the center line, was revealed by a drill hole. Its identity is not known. The other one in No. 14, east of the fault and 200 feet below the Tefft shaft is also of uncertain relationships. Old Bed is first recognizable in this section, although little is accurately known about it. The ore grew small as followed many years ago and the workings were abandoned. In No. 13 Old Bed was found double, but again was not extensively opened. We know little about it. In No. 12 it develops a steplike roll of its own and is cut into two parts, by the small fault into which the trap dike has forced its way. At No. 11 the dike has pinched out and the fault was not noted. The ore is anvil-shaped and curiously pinched below. In No. 10 it is a reversed S-shaped fold and the core of rock begins to manifest itself on the west, which is of great importance in the next sections. It is similar to the ones in the Joker-Bonanza "21" fold, but dips west instead of east. It rises toward the surface and ultimately cuts off Old Bed proper, from its downward prolongation, the Welch bed, until finally beyond No. 6, Old Bed runs out into the air and is lost. Meantime the Welch limb runs along and rises, with a lima bean pod cross-section until it too goes into the air. Within the last year or two a new shaft has been sunk to tap the Welch ore on the line of section No. 1, so that we

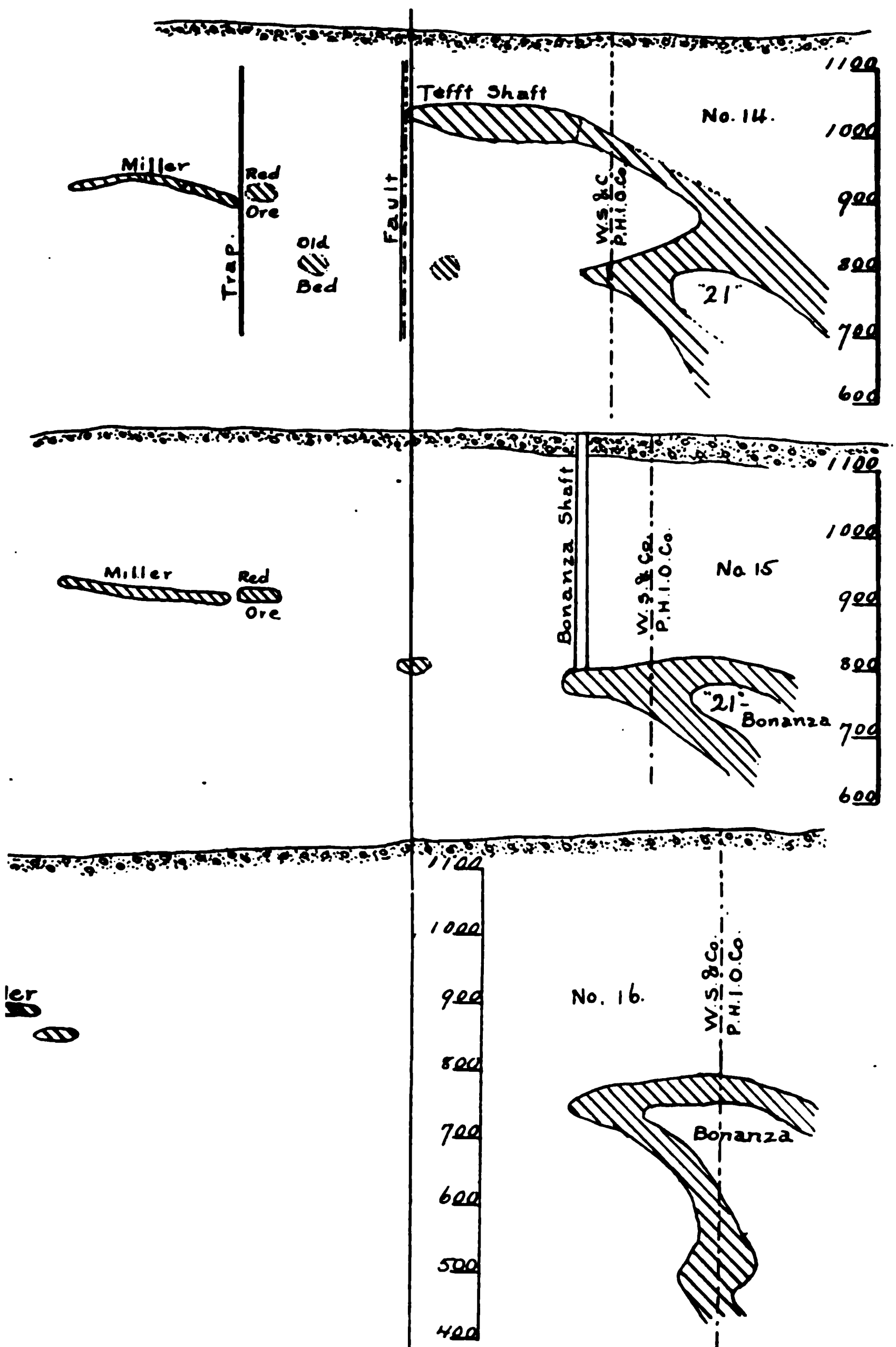


Fig. 10 Sections 14 to 16 of Old Bed ore bodies, Mineville. See figure 6 ;

now know that this ore continues downward lower than was formerly shown. More recent data also show that in No. 7, rock cuts off the ore on the east, apparently before the upward curve of the ore was found and a fault is suggested.

In its western prolongation as shown in sections 8-12, Old Bed encounters faults, and an area of broken ground with one or two disconnected masses of iron-stained, apatite-bearing ore called "Red Ore." The red color is due to the crush and to the consequent alteration of some of the minerals. In the slides the color is clearly shown to be caused by red hematite infiltrations into cracks. The source of the iron oxid is without doubt decomposed pyroxene crystals.

Beyond the "Red Ore" lies the Miller pit, a very large and very interesting ore body, now practically worked out. The Miller is presumably the faulted extension of the Old Bed, which is dropped to the west, but it has in sections 7-10 a very peculiar double character. The separate parts of No. 7 coalesce in Nos. 8 and 9 and part again in No. 10, beyond which to the south the upper one, once the large one, fails entirely. We are confronted with some difficulties in following out the folds in whatever way we may try to explain them. We must consider the Miller as an expanded prolongation of Old Bed before folding; that is that the Miller was longer north and south, so as to allow for its extended pod in sections 13-18. Probably the under one of the two pods in No. 10 was connected with Old Bed and that it was doubled over on itself as shown in Nos. 7 and 8. It must either have been this or else the upper member is the prolongation and the bed was doubled under itself to account for Nos. 7 and 8. Or else the Miller is a forking pod, from a central thickened portion in Nos. 8 and 9, where the two parts coalesce. Any of these three relations is possible, but if we favor folding we can not avoid giving great emphasis to the viscosity or doughlike consistency of the rocks at the time, since in no other way could they possibly have bulged and molded themselves into these forms. So pronounced is this character that one can not well help giving serious attention to possible convolutions in a molten but ropy mass. Under the latter assumption we need infer burial in the earth at a less depth in order to make the results possible.

The following analyses illustrate the composition of the ores from the "21" pit. No. 1 was a sample of 65 carloads, and No. 2 of 35 carloads from the Port Henry Co.

Plate 5



Mineville, N. Y. looking southwest into the Tefft shaft chamber.
Mt Tom is in the background



1

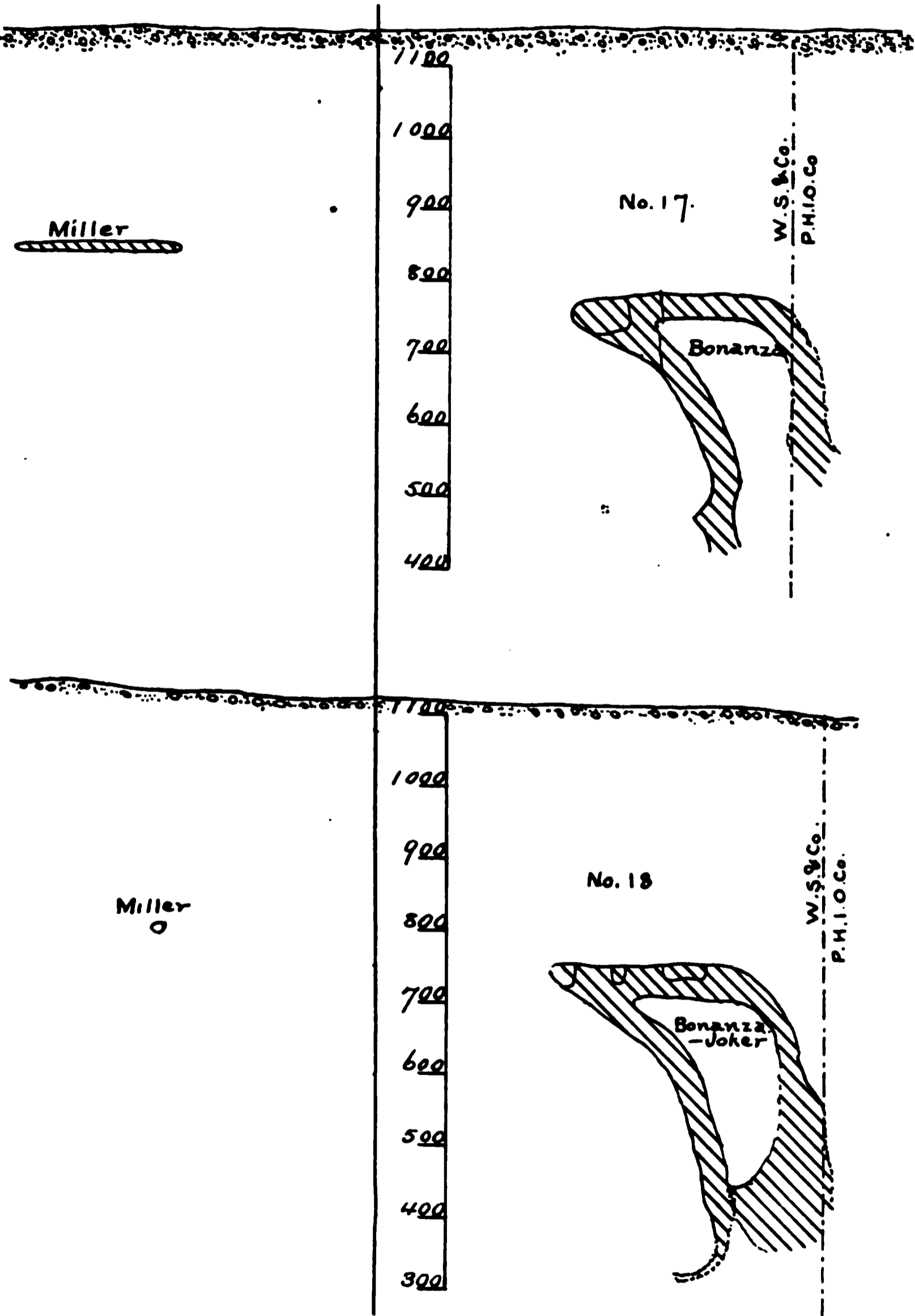


Fig. 11 Sections 17 and 18 of Old Bed ore bodies, Mineville. See figure 6

	1	2
Iron.....	60.03	60.91
Silica.....	4.48	4.49
Phosphorus.....	1.635	1.548
Sulfur.....	.021	.027
Titanium.....	.12	.03
Copper.....	.....	.007
Moisture.....	.28	.25

When the phosphorus is recast as chlorin apatite, it gives for No. 1, 9.14, and No. 2, 8.83. Calculating all the iron as magnetite, this mineral then formed in No. 1, 83 per cent of the mass; in No. 2, 84 per cent. In the sample and undetermined there was more than five per cent of CaO, and probably a little Na₂O, attributable to the green pyroxene often observed in the ore.

The analyses below, taken from the *Iron Age* of December 17, 1903, show the composition of the crude Old Bed ore and the products made by its concentration at the milling plant of Witherbee, Sherman & Co. No. 1 represents the crude ore, No. 2 the magnetic concentrates, No. 3 the first grade apatite product made by retreatment of the tailings from the first concentration, and No. 4 the second grade apatite product.

	1	2	3	4
Iron.....	59.59	67.34	3.55	12.14
Phosphorus.....	1.74	.675	12.71	8.06
Bone phosphate.....	.....	.....	63.55	40.30

Harmony mines. The most recent developments at Mineville are the two Harmony shafts, A and B, which were sunk 5 or 6 years ago in order to tap a bed of ore revealed by the dipping needle and the drill to the south and somewhat to the west of the Joker workings, and at a much higher horizon. The Harmony bed strikes northwest and dips southwest at a rather flat angle. It is 10 to 20 feet thick and is cut by at least 3 narrow trap dikes with a strike a few degrees east of north and a vertical dip. They fork somewhat and are not absolutely continuous. The dikes occupy small faults of 10 to 50 feet displacement and strike in a direction to suggest that they are the same with the two in the Miller pit.

The relations of the Harmony ore to the Joker on the one side and the Barton hill group on the other are interesting. Our last section of the Joker is 500 feet above Lake Champlain, while the

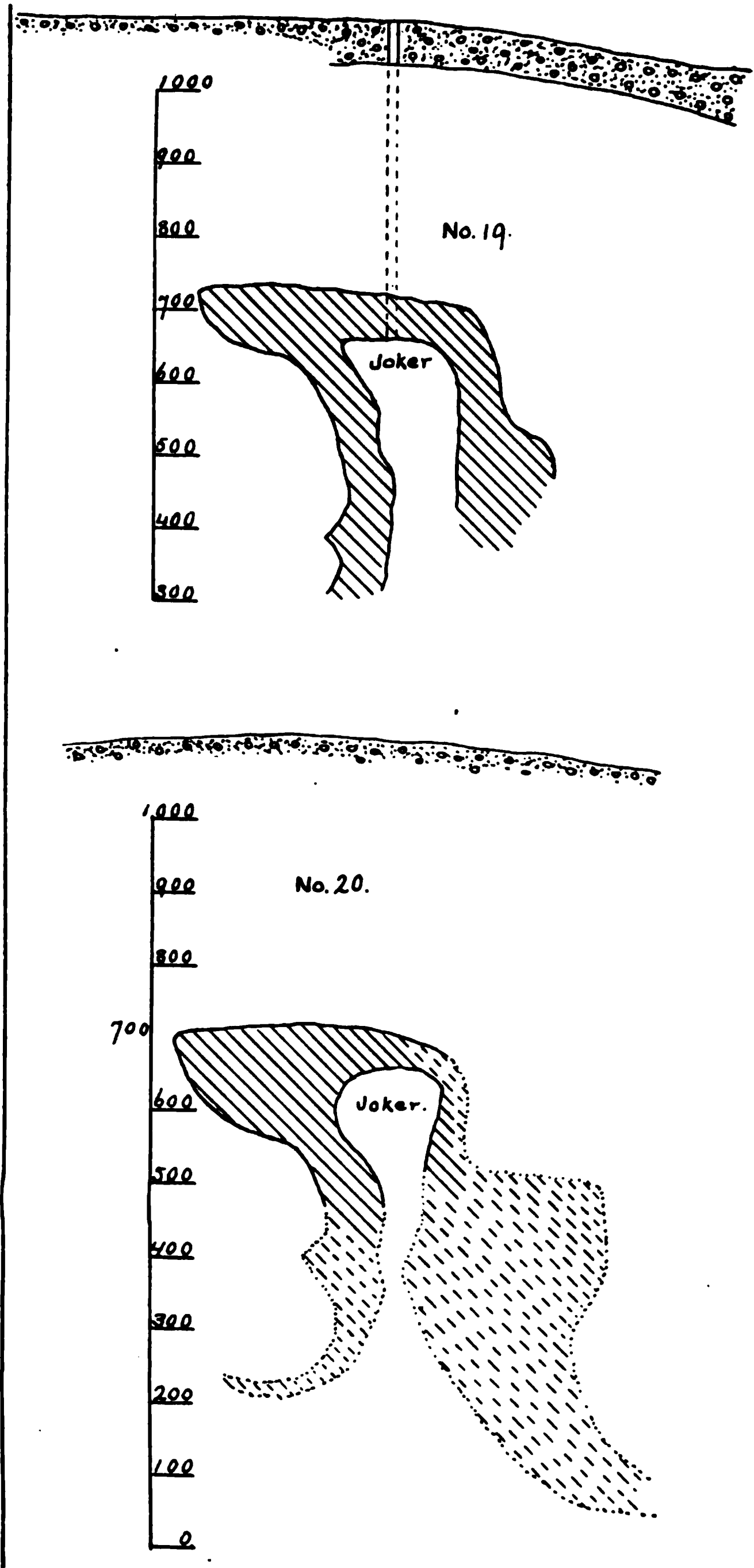


Fig. 12 Sections 19 and 20 of Old Bed ore bodies, Mineville.
See figure 6

outcrop under the drift of the Harmony bed, 400 or 500 feet away, is 450 feet higher. If the latter is the prolongation of the former there is a very great fault in the interval. On the other hand, if we attribute to the Barton hill group a swerve to the eastward under the cap of drift, there is a very strong probability of connecting up with the Harmony bed. There is unexplored ground in between with evidence of some disturbance. The composition of the Harmony ore as regards phosphorus is intermediate between the Barton hill and the Joker. It is higher than the former and lower than the latter. The percentage in iron is somewhat less than the Joker.

A third possibility must be considered, namely, that it is a totally distinct bed having no necessary connection with either of the older ones. While it is natural to seek to connect together those already known, it must be admitted that the last view can not be entirely ruled out.

Barton hill mines. These openings are distributed along a practically continuous bed whose outcrop is approximately 3500 feet long in a direction a little east of north. From the 1300 contour on the south, the outcrop rises to the 1750 on the north. From the southern end of the outcrop the underground workings follow an extended shoot of ore some 2000 feet farther on a flat dip to the southwest; and along its axis this particular branching pod must be fully half a mile long.

Taking the Barton hill bed as a whole it is characterized by swells and pinches giving the enriched and thickened shoots which have been specially followed in the mines. Their axes and therefore the workings run northeast and southwest and are therefore closely parallel with the Old Bed group, and with the Harmony beds. No doubt the relationship is due to the general system of folding which prevails in the gneissoid rocks and which has caused the rolls and attendant bulging. Upon the map of the Mineville area [fig. 6] the successive openings are given. They begin on the south with the New Bed, which is the deepest and most extensive. Then follow the North pit and the Arch pit, of moderate extent. From the Arch pit a tunnel is now being driven northwest on a slightly ascending grade so as to bring out by a gravity tram, the ore which may be tapped in the downward extension of the more northerly shoots. Already some gratifying discoveries have been made.

The next pit on the north is the Lovers Hole, the famous opening from which came the extremely rich ore and the remarkable crys-

Plate 6



View of the building from the street. The building is on the right. The Pan American building is on the left.

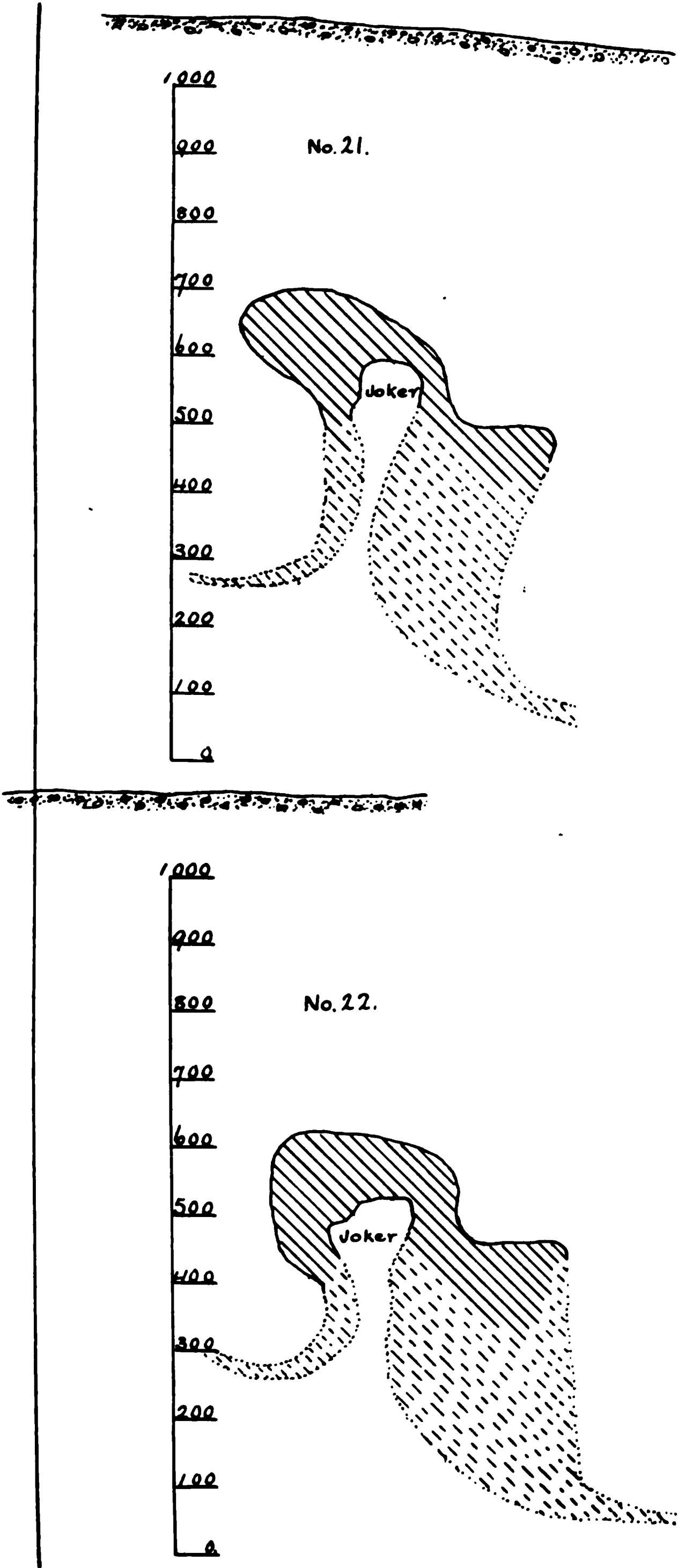


Fig. 13 Sections 21 and 22 of Old Bed ore bodies, Mineville.
See figure 6

tals of magnetite, mined about 1887-88. A total of 40,000 tons from one chamber averaged 68.6 per cent and carload lots ran 72 per cent, being almost chemically pure magnetite.

Beyond the Lovers Hole is a stretch not much mined as yet, and then as the outcrop swerves with the contours to the northwest, there are three pits, the South, the North and the Orchard. The rock dumps are large at this end, indicating leaner ore. Beyond the Orchard pit, there is an interval with no mines, and mostly with concealed bed rock, for half a mile. Within this distance there is a drop of 150 feet in the altitude and then two groups of mines, now for some years unworked, are found. These are the Fisher hill mines belonging to the Port Henry Iron Ore Co., and the Burt lot, of Witherbee, Sherman & Co. The ores are rather lean but are of Bessemer grade.

The pits are distributed across a horizontal stretch of 100 feet at Fisher hill and 250 to 300 feet at the Burt lot. They dip about 25° westward, and are therefore something like 40 feet apart vertically at the former and 115 feet at the latter. There are no marked horizons of ore within these limits. At Fisher hill the workings are 600 or 700 feet down on the incline, and at the Burt lot, 300 or 400. The railroad has been pulled up for 10 years past and the mines have been allowed to fill with water.

It is quite possible that the Fisher hill and Burt lot ores are a reappearance of the Barton hill bed after a lean interval, and that they mark a northerly continuation of the latter. It is very natural to infer these belts and especially are we prone to do so in so far as the time-honored sedimentary conceptions of origin influence us. The northern pits are double to a degree not shown by the southern, and if we are influenced by the igneous views, we may not feel justified in inferring the identity without proof of the connection. The wall rocks are practically identical and the general dip and axial trend of the pods correspond.

To the east of Fisher hill and a half mile away upon the eastern slope of a different hill is another great lens or pod now known as the Smith mine, and actively worked by Witherbee, Sherman & Co., through the Cook shaft. This pod was discovered by the needle. It does not outcrop. It dips west and pitches south like the others and furnishes a non-Bessemer ore much like Old Bed, but lower in phosphorus. A vertical shaft taps the upper end of the pod and then from the foot the two skip ways fork and proceed southwest, one going for about 1000 feet. The ore varies from 20 to 40 feet thick, and at the south drops over 600 feet below its

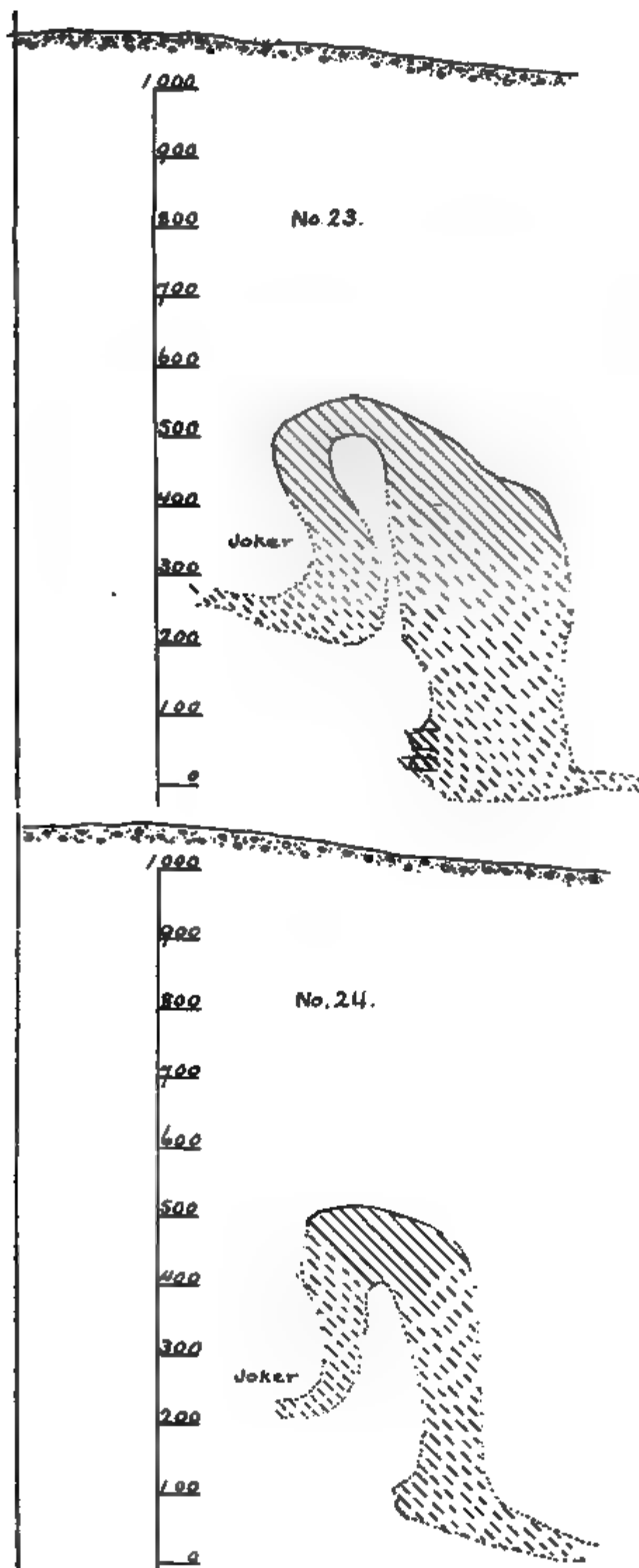


Fig. 14 Sections 23 and 24 of Old Bed ore bodies, Mineville. See figure 6

high point on the north. At the southern end is the old O'Neill shaft, now used for pumping and in the fall of 1907 tapped by the northern workings.

Two hundred feet or so north of Cook shaft, is the Thompson, long abandoned, and beyond this an interval of some distance with no workings. Recently diamond drilling has, however, revealed ore, which may in time be worked. The hill then abruptly drops away to a small valley, on whose northern side are two old mines, the Hall and the Sherman, which were early discovered but which have long been idle. The property has passed to Witherbee, Sherman & Co., and has lately been drilled. Ore has been found in rocks the same as at Mineville, and constitutes a reserve for the future.

It is natural to consider these last mentioned beds the northern extension of the Smith mine, and it as representing the Old Bed group, farther east and lower down than the Barton hill-Fisher hill-Burt lot series; but inasmuch as the O'Neill shaft is over a mile from the last exposure of the Old Bed series with almost no outcrops between, and in rocks that are practically massive, one may quite as well regard the northern ones as totally distinct ore bodies. Again one's train of thought is necessarily influenced by the sedimentary or igneous views of origin. The axial trend of the Smith mine is parallel to the same feature in all the others to the south, and therefore shows the same great structural character, presumably due to folding whose compressive strain being at right angles to these axes, operated in a northwest, southeast direction.

Farther on to the north, no ore is known for 2 or 3 miles, and then the beds are comparatively thin and have been long abandoned.

MINERVA MINE

This is a small opening situated in the town of Minerva, about 2 miles north of the hamlet of that name. The ore body outcrops on the southern face of the long north and south ridge which rises between Minerva stream and Stony Pond brook and is known locally as Ore Bed mountain. The elevation is between 1900 and 2000 feet according to the topographic sheet. A good trail leads from the highway along Falls brook to the mine. The Burden Iron Co. operated the deposit and the ore was used at Troy. The last work was done about 1881.

The geological associations are very similar to those noted in the mines about Crown Point. The Grenville series of limestones, schists and black hornblendic gneisses outcrops in the broad valley drained by Jones brook and reaches well up the confluent valley of Minerva stream. It appears to form also much of the higher ground, though interrupted in places by a pink gneiss of granitic composition which is probably intrusive. The latter has a more massive appearance than the typical Grenville gneiss and is made up of green pyroxene crystals in a ground mass of microperthite, microcline and quartz. This gneiss was found in proximity to the ore, but not in actual contact. The immediate walls, as exposed in the pits, are formed of the darker variety, carrying hornblende and biotite as ferromagnesian minerals, and probably belonging to the sedimentary or Grenville series. Red garnet is distributed through the rock in small crystals, while pyrite occurs in considerable quantity both as individual particles and irregular aggregates.

The deposit has a northwesterly strike in conformity to the general trend of the country rocks. It has a flat dip of not more than 10° northeast, but as the surface rises sharply in that direction, the overburden soon becomes too heavy for open-cut work. There are a number of pits and trenches along the outcrop, extending altogether for a distance of 100 rods. A breast of ore 12 or 15 feet thick is exposed in the middle section. The thickness diminishes toward the ends, but it was not possible to estimate the size with accuracy owing to the partial filling in of the pits. Some drilling is said to have been done a number of years ago to test the ore body in depth; the records, however, have not been available for use in this report.

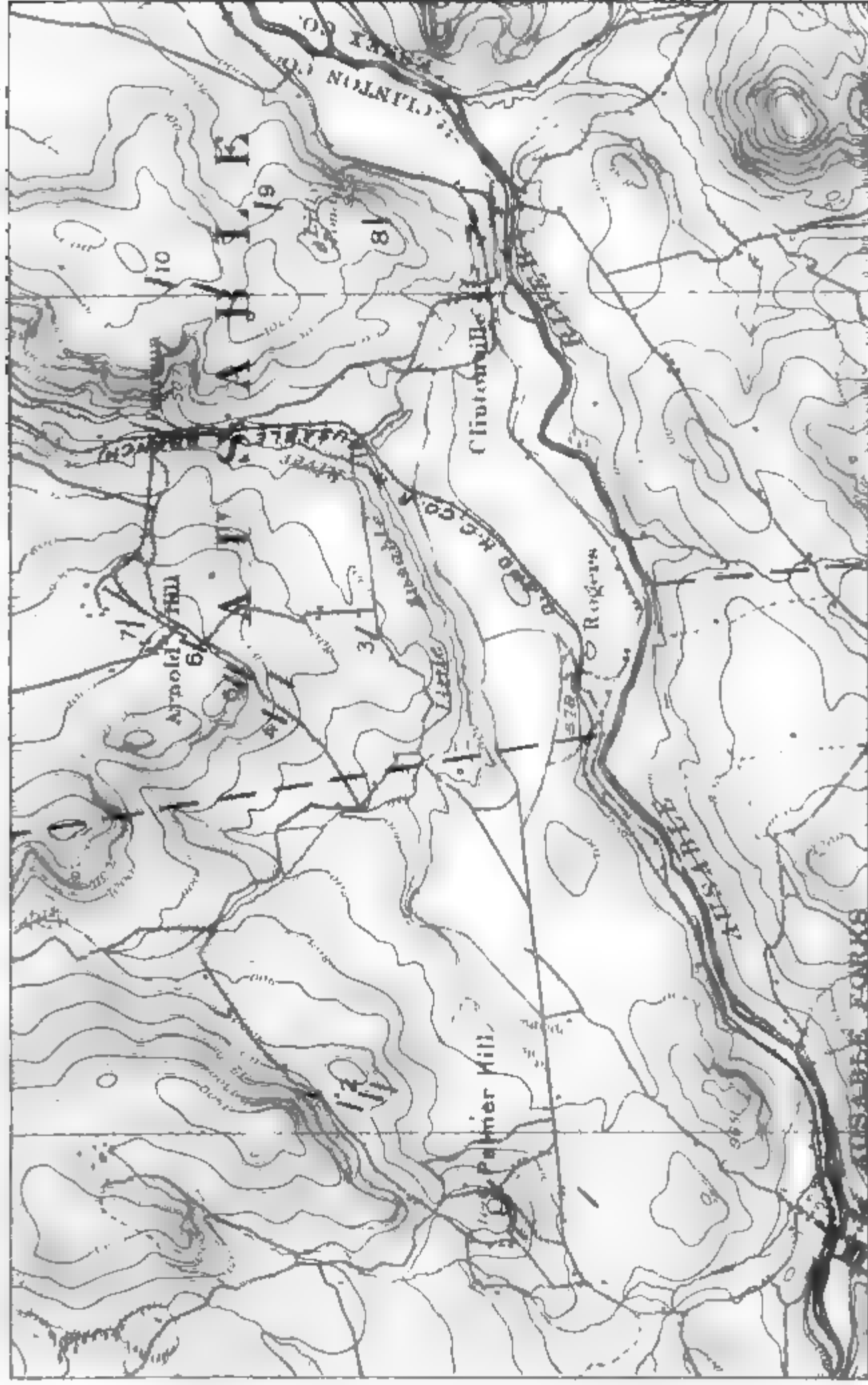
The ore is a fairly coarse, granular magnetite. Samples taken from different parts of the body indicate an iron content above

50 per cent on the average, so that it would be classed as of rich grade. The principal impurity is pyrite which seems to be concentrated in narrow bands and is not generally admixed with the magnetite. A quantity of the more sulfurous ore has been left on the surface near the openings.

ARNOLD HILL AND PALMER HILL MINE GROUP

On the southern border of Clinton county is an old mining district which includes the Arnold hill, Palmer hill and several outlying deposits. The district is easily accessible from Lake Champlain by the Ausable valley, and was one of the first in the Adirondacks to be entered by the early explorers in search of iron ores. It has furnished in the aggregate about 2,000,000 tons of furnace and concentrating ores, most of which has been used for local iron manufacture.

The mines are all found on the north side of the Ausable river within an area some 6 miles long east and west and reaching about half of that distance back from the river. Palmer hill is a knob that rises directly from the valley in the western part of the area, 2 miles north of Ausable Forks. The mines lie well up the slope and are based on an ore body that outcrops along the southern face. Northward the contours merge into a broad ridge of which Jackson hill, a slight prominence, has a few openings known as the Jackson hill mines. Still farther north, 3 miles from Palmer hill, are the Rutgers and the Dills & Lavake pits that have afforded some ore. Arnold hill occupies a central position in the area and is set off from the adjacent elevations by the trench of the Little Ausable, deep and gorgelike when it passes through the ridge to the north. The deposits are mainly near the summit, but they lie also along the southern face. On the eastern end is Cook hill with the Cook, Mace, Winter and Battie deposits. The Burt pit mentioned by Emmons has not been located; apparently it was never worked to any extent. At the foot of Palmer hill, across the Clintonville road, is an old opening which is now caved, and another called the Chalifou occurs south of Arnold hill, near the Little Ausable; both are little more than prospects. The mines are indicated on the accompanying map [pl. 7] which is reproduced from the Ausable sheet of the United States Geological Survey, with a scale of 1 mile to the inch. The mines are: 1. Palmer hill group; 2. Jackson hill group; 3. Chalifou; 4. Finch; 5. Indian; 6. Arnold; 7. Nelson Bush; 8. Winter; 9. Mace; 10. Cook mine.



MAP OF ARNOLD HILL AND VICINITY

STATE OF ALABAMA

General geology

The higher Adirondack ridges do not extend much beyond the Clinton county line. The Ausable in its course from the east and west branches to Lake Champlain marks the limit between the region of main uplift and the bordering foothills. South of the river the surface rises quickly to the level of the flanking ridges which is less than 1500 feet, and thence abruptly with frequent rock scarps to the interior prominences which increase in height toward the southwest and merge into the central dominating range of Essex county. On the north side, a terraced sand plain intervenes between the river and the first ridge forming the valley wall. In the stretch from Ausable Forks to Clintonville it is from 1 to 2 miles wide but contracts below the latter place where the valley becomes very narrow. The height of the ridge on which the mines are situated for the most part averages about 1100 feet or 500 feet above the level of the plain.

The anorthosites and associated gabbros which are so widely developed to the south do not occur in force across the Clinton county line. They compose, however, the higher prominences within a short distance of the Ausable and in the vicinity of Keeseville, east of Clintonville, even extend somewhat over the line as a narrow tongue diminishing in width toward the north. They have no bearing upon the iron ores and will not be further considered.

Gneiss series. The area surrounding the ore bodies is underlain chiefly by an acid augite gneiss, a part of the basal gneiss series (Saranac formation) which borders the northeastern Adirondacks and shows much uniformity of character throughout the area. Bands of darker gneiss and pyritous schists that can be referred to the sedimentary or Grenville series occur rarely and in limited outcrops. Of recognizable igneous rocks there are small exposures of syenite, gabbro and diabase, all intrusive in the gneiss and thus of later age.

The gneiss presents some variations from place to place, but the differences either in structure or composition are seldom so pronounced that a basis for a classification is afforded. The extremes are connected, moreover, by transition phases and are intimately associated in their field occurrence.

In its composition, feldspar, augite and quartz partake most largely. The feldspars may be microperthite, orthoclase or microcline among the alkaline varieties which are the prevailing ones or an acid plagioclase. Microperthite and orthoclase are commoner than the other varieties and their reddish color gives the predominant

tone to most specimens. Both the quartz and augite fluctuate, the proportion of the former mineral being usually about that found in a moderately silicious granite, but may shrink to very small amounts. The augite gives way at times to hornblende or biotite, a result that may be traced in part to secondary alteration.

The arrangement of the constituents may be described as gneissoid, yet it often lacks the parallelism of typical gneisses. The texture is mostly granular, such as would be produced by shearing and granulation of a massive rock with perhaps a certain amount of flowage under compression. Coarse phases in which little crushing effects are observable and grading into a pegmatite rock are not unusual in the area. They may be explained as massive aggregates which have escaped the general dynamism that has effected the granulation of most of the gneisses, or possibly they represent a recrystallization of the latter under certain favorable conditions which have obtained only in portions of the mass. That they are all intrusions from a distinct magma hardly seems possible under the circumstances owing to the frequent similarity of composition to the granular varieties as well as their textural gradation into the latter. On the whole the characters of the acid gneiss indicate its relationship to the granites.

There are few exposures of sedimentary types among the gneisses. On the south side of the Ausable, just below the confluence of the two branches at Ausable Forks, a micaceous laminated rock outcrops in a small area where the overburden of sand and soil has been washed off. It has the peculiar rusty weathered appearance common to these gneisses, due to the oxidation of contained pyrite. Some layers are extremely quartzose. The exposure has special interest from the fact that the strata are cut off on one side by syenite which breaks across in an irregular manner like an intrusive. It is the only place in the district where such evidence of the nature and relative age of the syenite has been found. The micaceous gneiss can not be traced for any distance, as the river and its deposits conceal the outcrop. The elevations on the opposite side of the river just north of Ausable Forks are mostly syenite, but there are involved masses of amphibolite and of a light colored plagioclase gneiss that probably belong to the sedimentary series. Crystalline limestone has been noted by Kemp as occurring at Trout pond, 3 miles south of Clintonville; it does not appear to be present, however, anywhere in the vicinity of the mines.

The strike of the gneisses varies considerably, but is mainly in a northerly direction. The common readings are east of north, up to

45°, with rarely one to the west of north. The dip is uniformly toward the west. In many places the foliation is too obscure to permit determinations with any certainty.

Augite syenite. This rock occupies two distinct areas at least within the district. The one near Ausable Forks already mentioned is the larger and more typical of the normal character of the syenite. As near as the limits can be drawn it forms practically a connected mass or boss, the surface of which is coextensive with that of the dome-shaped hills lying between Ausable Forks and Palmer hill. The exposure south of the Ausable is probably an offshoot from this mass. Compared with the gneiss of the region the syenite shows marked differences even in hand specimens. Its color on fresh surfaces is green, with a suggestion of gray or yellow at times, while the fracture is that of a close grained igneous rock, conditioned by its massive texture. Feldspar and magnetite are the minerals most apparent to the unaided eye. Under the microscope the former is seen to be almost entirely microperthite, while associated with it are augite, hypersthene, hornblende, quartz, zircon, apatite and rarely a light colored garnet. The feldspar is built up in stout anhedral between the interstices of which the quartz occurs in irregular grains. On the borders, especially on the east side of the mass, the rock is apt to be more quartzose and the grains attain such dimensions that they are readily distinguishable.

The second occurrence of the syenite is on Arnold hill, a few hundred feet west of the Nelson Bush mine. It is here quite different in appearance from the first, having a mottled aspect which is induced by the abundant hornblende mixed with the feldspar. Plagioclase constitutes a large proportion of the feldspar. The rock is to be regarded as a basic phase of the syenite, near the borders of the gabbro rock group.

Gabbro. The only intrusion of gabbro in the gneiss series of the district that has been found is on the south bank of the Ausable, a mile east of Ausable Forks along the Clintonville road. It is a coarse dark rock somewhat laminated but with the peculiar mottling that is so often associated with gabbroic rocks. The constituents are mostly hypersthene, hornblende and labradorite. The occurrence is doubtless to be ascribed to an outlying intrusion from the large anorthosite-gabbro area to the south.

Dikes. Diabase dikes are conspicuous features of the geology of the ore bodies. They intersect the latter in different directions, apparently without following the joint systems of the walls. Their thickness ranges up to 15 feet, the maximum reached by two dikes

on Palmer hill, but most are much thinner. They have little effect upon the ore and except where accompanied by faulting which is rare they do not materially interfere with mining operations. From the few examples that have been examined petrographically, they appear to be all ordinary diabases.

Arnold hill mines

The mines on Arnold hill comprise several separate openings located along the southern shoulder of the ridge. The ore bodies outcrop in parallel series or *en echelon* with a general trend of n. 20° e. Altogether they have been explored for a mile and a half along the strike, though of course not continuously. Beginning at the south end, the first opening, known as the Finch pit, lies at about the 850 foot contour. Next in order to the north after a short interval are several open cuts, parallel but at slightly different horizons, extending perhaps 500 feet. They have long since ceased to be productive. The Arnold or Big mine, with three ore bodies, is about 1000 feet farther north, and at about an equal distance from the Arnold is the Nelson Bush mine with its two shafts, the last to be worked. The small Chalifou pit lies to the south and east of the main group.

According to local records the earliest discovery on Arnold hill was made in 1806. Mining was begun on a small scale shortly after that date, and in 1812 the property was purchased by Arnold, Stickney & Howe who continued in possession for over 50 years. Up to the time of Emmons's report (1842) exploitation was confined to the southern deposits which he states were then being worked under lease. The mines have been intermittently active during the last half century. The most recent undertaking, the Arnold Mining Co., reopened the Nelson Bush mine, working it for a period of three years. A mill of 200 tons daily capacity was erected at Arnold Station (Ferrona on the map) and new mining equipment installed. The company ceased operations in the summer of 1906.

Geological relations. The deposits outcrop as rather thin bands intercalated in the gneiss parallel to its foliation. Their dip is toward the west and steep generally 70° or a little more. Their shape which is tabular has been modified by compression, producing undulations and pinches both along the strike and dip; on the north end the irregularities seem to be more pronounced than elsewhere and the lenticular form is the characteristic one.

The deposits have been subjected to faulting on a small scale. The direction of movement is across the strike, with the result that

the lines of outcrop are shifted laterally. In the heading of the south shaft of the Nelson Bush mine a fault of this kind was observed. Its throw could not be determined but it is probably small. Other examples which have been noted by Emmons occur in the old workings on the southern section, where the outcropping ore is offset by slight displacements that have taken place obliquely to the dip. The maximum offset found on the surface is about 15 feet. In this case a thin dike has been intruded along the fault plane [fig. 15].

The wall rock is mainly the augite variety of acid gneiss already described. Along the contact with the ore it has been considerably altered, with the development of chlorite and biotite as resultant products from the augite, while it also contains much clear quartz of secondary infiltration. A black hornblende gneiss is encoun-

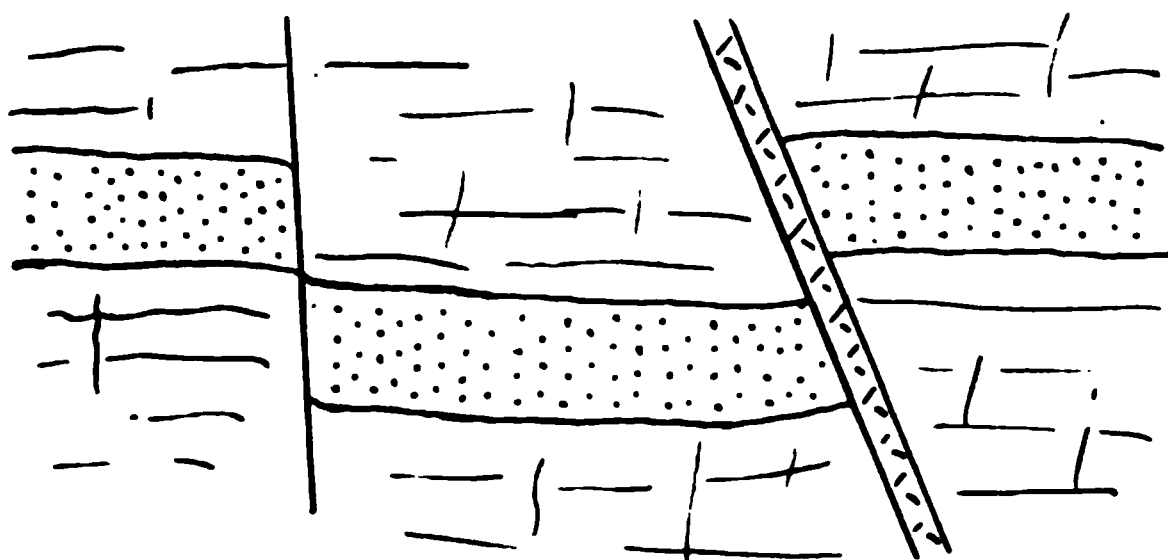


Fig. 15 Faulting of the ore bodies as seen on the surface near the Indian pit. A diabase dike has been intruded along the fault plane at the right.

tered on the walls of the Nelson Bush mine, and may represent an included band of the sedimentary gneisses to which it corresponds in composition.

Nelson Bush mine. This mine is the most northerly of the Arnold hill workings. It consists of two shafts about 600 feet apart driven on the course of two lenses which have nearly the same horizontal axis. Underground the shafts run off as inclines, the northern starting at an angle of 60° and flattening gradually to 30° and the southern at an angle varying from 42° to 35° . They are intended to follow as nearly as possible the pitch of the lenses which is about 40° north. The north shaft is down some 900 feet on the incline. The lens of ore as seen in the workings is 25 feet thick in its maximum development and averages perhaps 18 feet. In the south shaft the lens ranges from 10 to 15 feet across the walls. The two shafts are not connected underground.

The ore is coarsely granular as a rule and contains too much

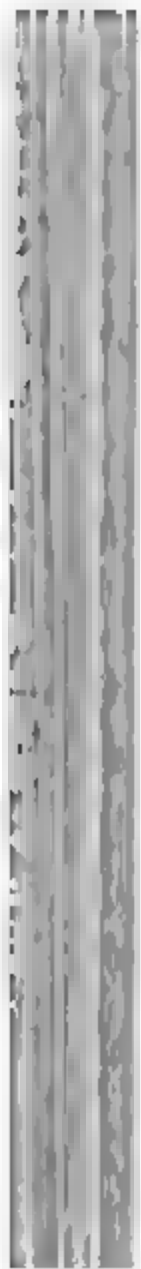
foreign matter to be suitable for the furnace without undergoing some form of selection or concentration. In the recent operations the product has been milled and separated magnetically. Pegmatite and quartz are the principal foreign ingredients. Small calcite veins with a deep purple fluorite also occur. In the rich ore apatite is quite abundant. The results obtained by milling operations show that a little less than two tons of crude ore are required for one of concentrates. By the method of magnetic separation some loss is entailed by the fact that the magnetite has been oxidized in part to martite, which has the chemical composition of hematite and is very weakly magnetic. The analyses given below communicated by the Arnold Mining Co., were made from samples of rich ore (1) and the admixed lean material (2). Owing to the failure to determine the alkalis present, they are not complete, but the discrepancy is important only in the case of the lean ore which contains feldspar. The small percentages of copper and nickel are, so far as known, unusual to Adirondack magnetites. These elements are probably combined with sulfur; pyrite and pyrrhotite suggest themselves as the most likely combinations in which they may occur.

	1	2
Fe ₂ O ₃	57.85	20.30
FeO.....	27.50	10.15
SiO ₂	7.62	50.82
TiO ₂.....	.39	.33
S.....	.038	.044
P ₂ O ₅ .....	.618	.43
Al ₂ O ₃	1.68	8.32
MnO.....	.15	.20
CaO	2.48	2.26
MgO	1.26	1.53
Cu.....	.006	.....
Ni.....	.072	.....
	<hr/>	<hr/>
	99.664	94.384
	<hr/>	<hr/>
Iron.....	61.90	23.00
Phosphorus.....	.269	.188
Manganese.....	.116	.155
Titanium.....	.24	.198

Arnold mine. This has been the largest producer of all and for many years supplied the entire output. The deepest workings are about 800 feet. The loss of the main shaft by caving, 10 or



North shaft. Arnold hill



12 years ago, put a stop to underground operations and it has not since been reopened. It is said that the ore bodies narrowed appreciably near the bottom, indicating that they are probably lenticular like the Nelson Bush deposits.

In the reports of Putnam and Smock the mine is described with some detail. Three parallel bodies occur, called the black, the blue and the gray veins. They are separated by gneiss with an interval of 40 feet or less between adjacent walls. The strike is n. 35° e. and the dip 70° at the surface flattening to 55° at 325 feet depth. Smock states that the bodies run off as shoots underground pitching at an angle of 40° along the strike. The first ore body on the foot-wall side is the gray vein which varies from 3 to

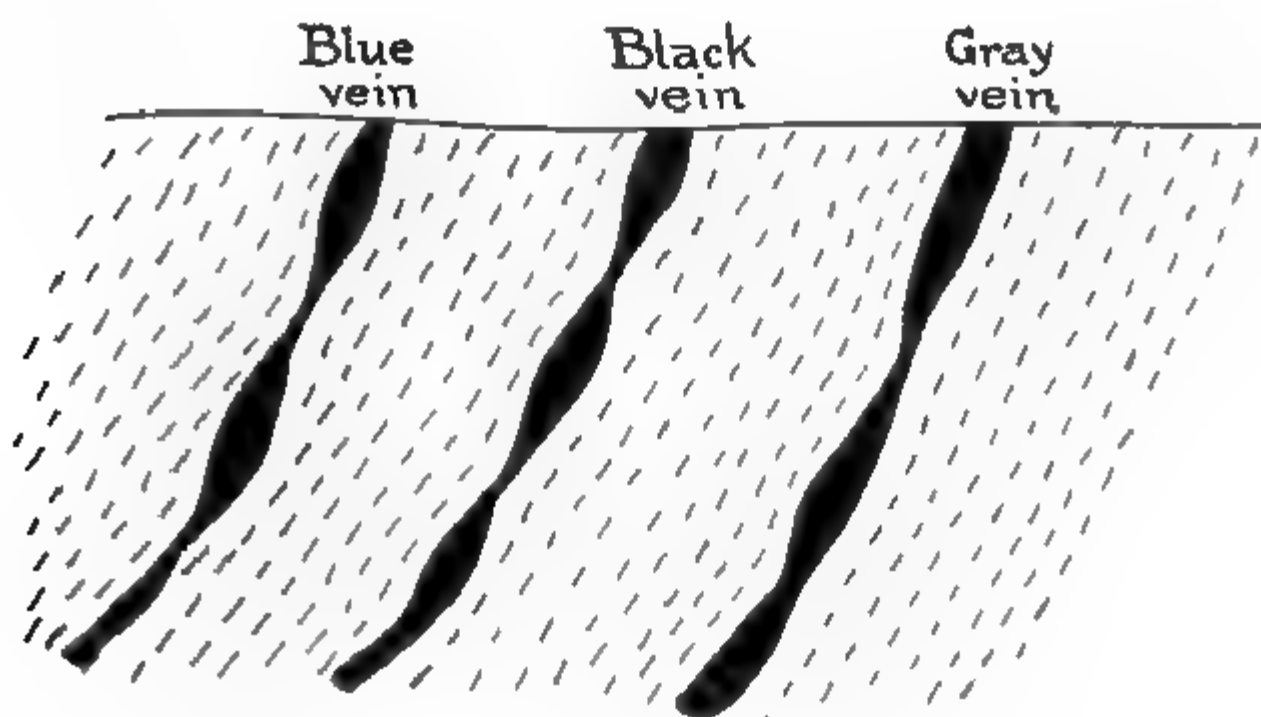


Fig. 16 Ideal section of the Arnold ore bodies. Blue vein is hematite

25 feet in thickness. The black vein in the middle is from 3 to 27 feet thick and the blue to the west about the same. There are two shafts, 500 feet apart, driven on the dip of the foot-wall vein connecting by crosscuts with the adjacent veins, and a series of levels about 700 feet long. The section included herewith [fig. 16] shows the relations of the three ore bodies.

Putnam advances the opinion that the Nelson Bush ore bodies are a continuation of the gray vein, but this can scarcely be true since the axis of the former when produced southward falls considerably to the east of the Arnold workings. No indications of a fault sufficient to account for the difference in horizon were found on the surface. It seems more probable that the two mines are located in separate horizons.

The marked variation in the character of the ore in the different veins is an interesting feature. The black vein yields a granular,

friable magnetite carrying apatite and otherwise resembling the Nelson Bush ore. The gray vein is so named because of the light-colored gangue minerals which are intermixed with the magnetite so as to lend a mottled gray appearance to the ore when seen in hand specimens. It is slightly altered. In the blue vein the ore has been changed almost completely to martite, the surface of which is steel blue in color. The change no doubt is to be explained as the effect of weathering assisted perhaps by the circulation of underground waters which have found here an easier passage, possibly along some fissured strip, than in the neighboring veins. Specimens of this ore frequently show veinings of jasper and calcite, deposited by such circulations. Analyses of the ore from the blue vein are given herewith. No. 1 has been contributed by Mr S. Le Fevre. No. 2 is quoted from the paper by Maynard on "The Iron Ores of Lake Champlain"; Maynard and Wendell analysts.

	1	2
Fe ₂ O ₃	83.14	85.54
FeO.....	5.27	2.39
SiO ₂	7.64	7.56
TiO ₂.....	.26	.....
S.....	.035	.16
P ₂ O ₅.....	.531	.43
Al ₂ O ₃	1.72	2.71
MnO.....	.31	.....
CaO.....	.64	.98
MgO.....	.108	.48
Cu.....	.005	.....
Ni.....	.003	.....
	<hr/>	<hr/>
	99.662	100.25
	<hr/>	<hr/>
Iron.....	62.30	61.74
Phosphorus.....	.232	.188
Manganese.....	.24	.....
Titanium.....	.156	.....

Open cuts, Finch and Chalifou pits. The open-cut workings south of the Arnold mine were the sources from which ore was obtained during the early period, but they were abandoned with the discovery of the larger deposits to the north. The only information about them that has been placed on record is contained in Emmons's report. There are four parallel deposits, according to this authority, the richest being from 2 to 8 feet wide, known as the blue vein, with martite. At the time of the report, it had



Fig. 100



been worked to a depth of 260 feet and for a length of 500 feet. Regarding the other deposits, he states: "The four veins upon the Arnold hill are in proximity to each other, being separated by a few feet of rock. The width of the black vein is from 3 to 11 feet, and that of the gray veins from 2 to 8. The quality of the ore furnished respectively by each is very similar and the products of reduction nearly the same; preference, however, is given to the old blue vein." Some 800 feet west of this group there is a fifth vein which has been opened in a small way. The ore is reported to have been of poor quality.

The Finch pit south of the foregoing is probably on a continuation of the same deposits. It has been sunk through several feet of drift, which has caved and nearly filled the opening. The ore is mostly unaltered magnetite. The depth of the pit is about 75 feet.

The Chalifou pit is a small prospect a mile and a half southeast of the Finch on a different horizon from the Arnold hill group. The ore is reported to have a thickness of 8 to 12 feet.

Of the analyses given below, No. 1 has been taken from Maynard's paper already quoted and relates to ore from the Indian mine which lies high upon the ridge. No. 2 which is quoted from the same source represents a sample from the Finch pit. Both analyses are by Maynard and Wendell. No. 3 is an analysis of ore from the Chalifou pit, supplied by Mr S. Le Fevre.

	1	2	3
Fe ₂ O ₃	69.99	81.65	45.45
FeO.....	8.87	7.87	21.26
SiO ₂	14.60	5.60	22.38
TiO ₂.....	.....	.....	.49
S.....	.24	.24	.045
P ₂ O ₅.....	.07	.45	.430
Al ₂ O ₃	3.67	2.12	4.76
MnO.....	.38	tr.	.16
CaO.....	1.90	1.56	2.22
MgO.....	tr.	.67	1.95
	<hr/>	<hr/>	<hr/>
	99.72	100.16	99.145
	<hr/>	<hr/>	<hr/>
Iron.....	55.91	63.27	48.35
Phosphorus.....	.03	.196	.188
Manganese.....	.28	.....	.122
Titanium.....	.....	.....	.295

Production of Arnold hill mines. In round figures the output of the mines on Arnold hill may be placed at 600,000 tons. Up to 1864 there had been taken out about 150,000 tons and it is estimated that 400,000 tons were mined in subsequent operations previous to the reopening of the property by the Arnold Mining Co.

Palmer hill mines

These mines form a single group. They are situated on an ore body which traverses the hill just below the summit in a north-east-southwest direction and has been explored for nearly half a mile on the outcrop. The strike brings them nearly in line with the Jackson hill deposits, a mile distant to the northeast. The several pits that have been used for ore extraction in years past include the Elliot and White Flint on the western side, the Big, Summit and Lundrigan pits in the central portion and the Little pit and Lot 29 on the east.

The period of active operations began about 1825 and lasted till 1890. The property was held as an undivided interest by the J. & J. Rogers Co., and the Peru Steel & Iron Co., who converted the ore into charcoal blooms at their forges at Ausable Forks, Black Brook, Jay and Clintonville. It is worthy of note that a separator in which magnets were employed for removing the magnetite in the crude ore was erected on Palmer hill in 1836, one of the first experiments with this process that has been recorded. Evidently the attempt was not wholly successful, as the process was later superseded by gravity methods.

Geology. The ore body consists of a band or zone impregnated with magnetite. It is on the whole leaner than the Arnold hill deposits owing to the mingling of the magnetite with the minerals of the adjacent walls. The latter are also not so sharply defined. The magnetite is distributed more or less evenly throughout the mass, or gathered into bodies that are relatively rich. In mining the higher grade ore was specially sought for and was followed in preference to the excavation of the whole deposit.

The rock on Palmer hill derives special interest from a petrographic standpoint owing to the occurrence of fluorite. This mineral is seemingly an original constituent. It forms irregular grains of about equal size with the feldspar and quartz and intercrystallized with them. Where most abundant it constitutes from 25 to 50 per cent of the rock. It is particularly in evidence in the walls of the Big pit and in a belt which can be traced north from

the pit for 150 feet. The containing rock has a granitic texture and in other respects is analogous to an acid intrusive.

Two diabase dikes, each about 15 feet thick, cut the ore. One of these runs nearly parallel to but west of the outcrop, standing as a vertical wall when seen underground. It sends off a small offshoot from the eastern end but holds its width undiminished so far as it can be traced. The second dike intersects the deposit at the Big pit, crossing at an oblique angle and continuing in a northerly direction over the summit of the hill. The dikes have exerted noticeable contact effects upon the ore in the development of a black garnet (brown in thin section), which has been formed at the expense of the magnetite and feldspar, as well as by rendering it dense and exceedingly hard. A considerable quantity of the garnetiferous ore can be found on the waste dumps, having proved evidently too refractory to be used.

Description of workings. The ore body has been excavated for a long distance as an open pit, with chambers extending down the dip when the depth became too great for removal of the overlying rock. In places the surface workings have caved and are inaccessible. The Elliot slope enters the hill on the southwestern side at a little over 900 feet elevation. It pitches nearly north. The slope was the last one opened and is said to follow a shoot of ore 9 feet thick. The adjoining White Flint slope, somewhat higher up, also pitches north at an angle of 70° at first, but flattens downward; it is bottomed at 1200 feet. The breast of ore, judging from the visible part of the excavation, must have measured about 20 feet. The ore contains a good deal of milky quartz, but is rich compared with the general average. Between this and the Big pit the north-south dike intervenes and the ore body swings off toward the east. The Big pit is the deepest of all, 2200 feet on the dip which begins at 60° and is nearly horizontal at the bottom. The Summit pit at the highest point of outcrop of the deposit is credited with a depth of 1000 feet and dips about 30° . Of the other workings, the Little pit, opened by the Peru Steel & Iron Co., and lying near the eastern end, is the largest. The slope has a length of 1200 feet and follows a shoot 10 feet thick and 100 feet wide across the dip.

Character of the ore. In texture the ore is rather fine. Its appearance and mode of occurrence is much like the Lyon Mountain ore. The gangue consists mostly of microcline, orthoclase and quartz, with a very small proportion of ferromagnesian minerals in the form of augite and biotite. Phosphorus and sulfur fall within the Bessemer limits. The chemical composition is shown by the

following analyses which have been communicated to the writer by Mr W. Carey Taylor.

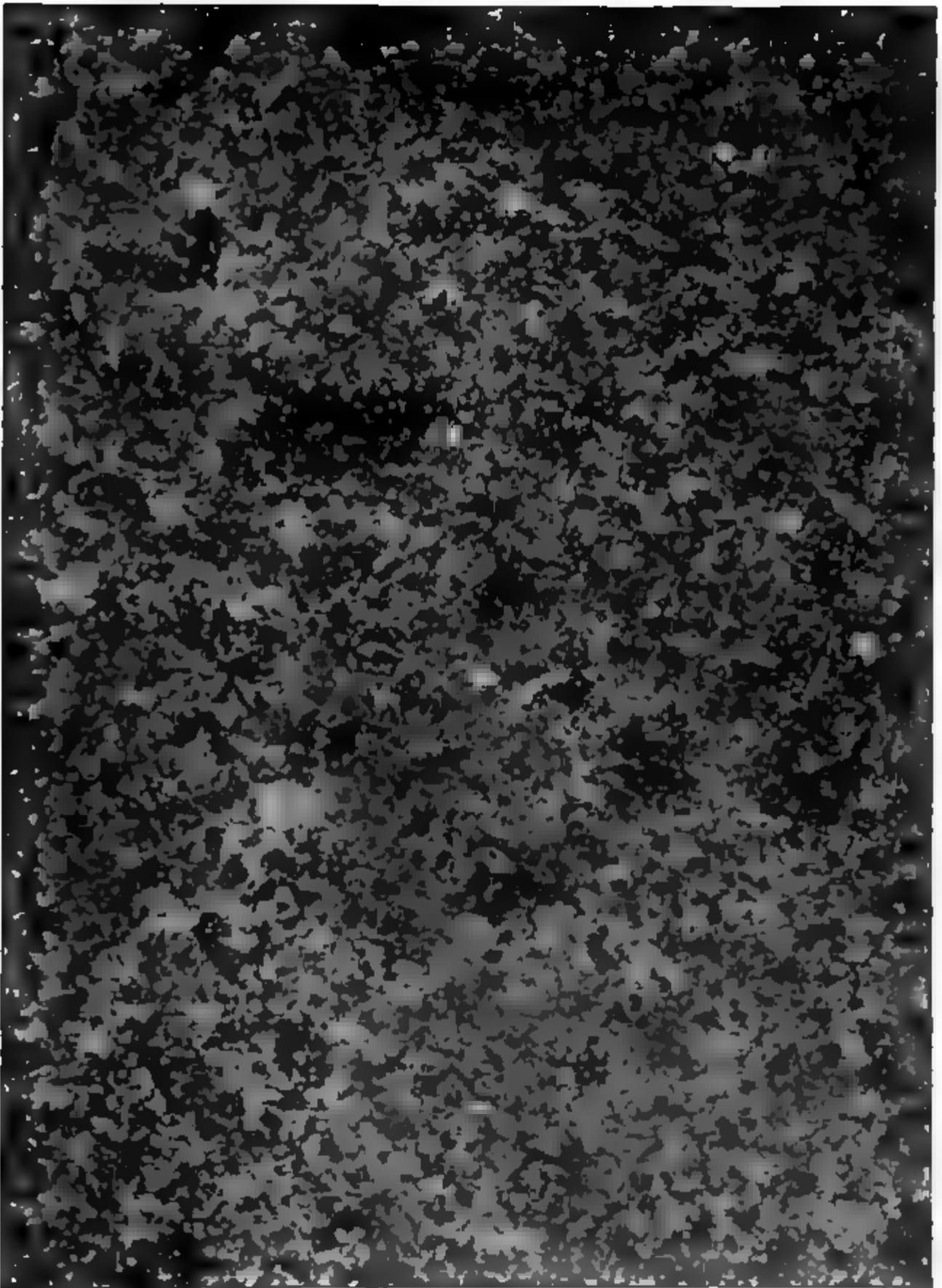
	1	2	3
Fe ₂ O ₃	46.152	49.757	67.274
FeO.....	20.735	22.354	30.224
SiO ₂	31.700	26.134	3.000
S.....	.008	.016	.080
P ₂ O ₅ .....	.005	.016	.165
Al ₂ O ₃	1.076	1.531	.....
MnO.....	.037	.090	.....
CaO.....	.364	.315	.....
MgO.....	.872	.229	.....
	<hr/>	<hr/>	<hr/>
	100.949	100.442	100.743
	<hr/>	<hr/>	<hr/>
Iron.....	48.43	52.22	70.60
Phosphorus.....	.002	.008	.07

Analyses 1 and 2 are of crude ore from the mines of the Peru Steel & Iron Co., at the east end, and No. 3 of concentrates made by the same company. The higher phosphorus found in the concentrates proportionately to that shown in the analyses of the ore is abnormal and contrary to the usual experience in the treatment of magnetites, at least by magnetic methods. The concentration practice at the Palmer hill mines consisted in first roasting the ore so as to render it more friable and then crushing by stamps and passing the broken ore over jigs. The bloom iron made by the companies was mostly shipped to Pennsylvania for manufacture into crucible steel.

Production. The output of the mines owned by the J. & J. Rogers Co. averaged about 25,000 tons annually for a period of 40 years. The production by the Peru Steel & Iron Co. is not known, nor the quantity mined before the organization of the two companies. It is safe, however, to estimate the total yield at over 1,000,000 tons crude ore. The average assay in iron may be placed at about 40 per cent.

Other mines in the district

Jackson hill. The mines at this locality are based on two or three parallel bodies that outcrop north and south of the road leading from Palmer hill. They lie on the western side of the hill at from 1000 to 1150 feet elevation. Their course is n. 20° e. and dip high to the north. The two main pits are each about 500 feet long and



Fluorite granite from Palmer hill. White particles are fluorite, gray are feldspar and the black crystals are magnetite. A lean ore grading into rich magnetite.



10 to 12 feet wide, with an extreme depth of 100 feet. In its association and nature the ore is much the same as the Palmer hill ore and it is said to have yielded equally good iron.

Dills & Lavake and Rutgers pits. The openings are situated 3 miles north of Palmer hill at an elevation of about 1400 feet, as nearly as can be determined. They are just without the limits of the Ausable topographic sheet. The Dills & Lavake is an open cut 100 feet long and 15 feet wide. The Rutgers pit north of this is nearly circular, 30 feet in diameter and about that in depth. The ore is somewhat richer than the average for Palmer hill. It contains apatite in plainly visible grains, indicating a high phosphorus content. The following incomplete analyses have been furnished by Mr J. N. Stower. No. 1 refers to a sample of ore from the Dills & Lavake pit and No. 2 to a sample from the Rutgers:

	1	2
Iron.....	50.60	50.10
Sulfur.....	.003	.022
Phosphorus.....	.64	.341
Titanium.....	.45	.45

Cook mine. On the ridge east of Arnold hill the gneiss series is well exposed. Much of it is the reddish micropertthitic nearly massive variety that has been described as the predominant formation of the district, but there is less augite and oftentimes very little quartz present. In the vicinity of the Cook mine the dark constituent is biotite and the rock has the composition of syenite. A coarse quartzose hornblende variety, which looks like a sheared granite, is found in small patches that may represent later intrusions; it has a fresher appearance than the syenite and the borders are commonly pegmatitic.

The Cook mine, mentioned by Emmons as having been exploited several years before the date of his report, supplied ore to forges on the Little Ausable. It was last worked in 1856 when the forges were carried away by a flood. Two pits evidence these early operations. They are situated on the western side of the ridge nearly opposite the Nelson Bush shafts on Arnold hill. The elevation is about 1000 feet. Both are surface strippings, of which the larger exposes a breast of ore about 12 feet from wall to wall. They have a north strike and a dip 80° west. The smaller parallel pit lies above separated by 30 feet of rock. Emmons records that in exploring the deposit by a transverse trench four veins were encountered with thicknesses of 2 feet, 3 feet, 6 feet and 13 feet respectively.

The ore in places is a compact rich magnetite, yet the greater portion as exemplified by sampling the deposits consists of disseminated grains or stringers of magnetite in a gangue of hornblende, biotite and quartz. Apatite shows in some specimens. The analyses, however, indicate a phosphorus content that is well within the Bessemer limits. The following were made by Mr James Brakes, probably from selected material.

Fe ₂ O ₃	60.226	57.857
FeO.....	27.486	29.314
SiO ₂	7.640	5.400
TiO ₂.....	.410	.492
S.....	.033	.037
P ₂ O ₅ .....	.052	.023
Al ₂ O ₃	1.269	3.960
MnO.....	.104	.051
CaO.....	1.100	1.560
MgO.....	1.587	.846
	<hr/>	<hr/>
	99.907	99.540
	<hr/>	<hr/>
Iron.....	63.536	63.300
Phosphorus.....	.023	.010
Manganese.....	.081	.040
Titanium.....	.246	.295

Battie mine. This is located on a continuation of the Cook ore body, about 1½ miles north of that mine. From Emmons's account, the existence of two parallel deposits is inferred, though only one is shown by outcrop or workings. The mine was last operated about 50 years ago. It is an open cut about 600 feet long and 10 to 20 feet wide. The ore shows much variation across the dip, bands of massive magnetite alternating with rock that carries a greater or smaller proportion of magnetite in disseminated grains. It has a sheeted structure evidently due to slight movements along the walls. They are noticeably grooved and polished. The principal gangue mineral is biotite. The ore is said to have yielded good iron, similar in quality to that made from the Cook ore. Its general character is shown by the analyses below which have been communicated by Mr J. N. Stower. The analyses were made by James Brakes from samples taken at different places along the outcrop. The high titanium, reaching over 2 per cent in No. 5, is

noteworthy, but seems to be traceable entirely to the presence of titanite.

	1	2	3	4	5
Iron.....	52.10	60.70	52.80	39.90	61.20
Phosphorus.	.012	.008	.029	.028	.012
Sulfur.....	.035	.021	.035	.019	.026
Titanium...	.225	.495	.225	.225	2.076

Winter mine. The mine is situated 1 mile northeast of Clintonville near Lilly pond. There are three or more small bands of ore outcropping in a course somewhat west of north and standing vertically or nearly so. The main band is about 10 feet wide. It has been worked by open-cast methods on the south end, while on the north it has been followed by a slope which extends into the hill for about 100 feet where it connects with an adit driven along the course of a diabase dike from the east. Beyond the entrance of the adit the workings are no longer accessible, but apparently the ore body flattens out to nearly horizontal. The relations, however, are obscured by the numerous dikes which intersect the workings. Three of these are found crossing the main slope, the largest lying along the axis of the adit already mentioned. The ore contains much white quartz; an incomplete analysis is here given.

Iron.....	46.70
Silica.....	32.75
Sulfur.....	.024

Mace mine. This is based on a small deposit situated north of the Winter mine. It has been worked principally as an open pit, which has a length of about 500 feet. The width ranges from 3 to 10 feet. The ore is lean and, except for its larger proportion of magnetite, resembles the wall rock. The latter is a hornblende gneiss of granitic appearance.

LYON MOUNTAIN MINES

The Lyon Mountain or Chateaugay mines are in the town of Dannemora, near the western border of Clinton county. The central point of the group is Lyon Mountain, a settlement limited almost entirely to mine employees and their families, situated on the Lake Placid branch of the Delaware & Hudson Railroad, 37 miles from Plattsburg.

In size the mines are among the largest in the State. They are widely reputed also for the high quality of their product. The ore

is all shipped in the form of concentrates which carry minute quantities of sulfur and phosphorus, much below the limits admissible for Bessemer ores. It is used in the manufacture of special grades of iron. Owing to the scarcity of such ores in this country, a steady market has always been obtained for the output.

The first mining of importance within the district was undertaken about 1871 at a locality said to be near the site of the present shaft 4, on the southwestern section of the main ore body. There is evidence, however, that the deposits had been known to the early settlers in the region and some ore was taken out many years before that date. Operations during the early period were carried on by contractors working under leases. The ore was sorted by hand, or crushed and separated in crude mills that had been built in the vicinity, and hauled by wagon to Catalan forges located at Belmont, Russia, Clayburg and Altona where it was made into bloom iron.

In 1879 the Plattsburg & Dannemora Railroad was extended to Lyon Mountain, affording facilities for shipment of the ore to more distant points. Soon afterward the Chateaugay Ore & Iron Company, which consolidated the different mining interests, instituted a more systematic plan of operations that resulted in a largely increased output. In place of open-cast methods, which were first employed, slopes were sunk in the deposits at frequent intervals and the ore mined underground. The number of slopes was increased until over 20 had been located on an outcrop of 3600 feet. The ore was mined on both sides of the slopes with occasional pillars left for support. But after the workings had obtained some depth it became necessary to adopt a different plan; levels were run at intervals of 50 feet vertically while only 6 or 8 of the slopes were used for hoisting purposes. In connection with the mines the company operated shaft furnaces at Plattsburg and Standish for making charcoal pig. The latter furnace has recently been converted so as to employ coke as fuel and is in operation at the present time.

Since 1903 the mines have been under the ownership and management of the Chateaugay Ore & Iron Department, a subsidiary of the Delaware & Hudson Railroad. They have recently been greatly improved upon the basis of a comprehensive scheme which if fully carried out will materially enlarge their production. The recent betterments to the plant include a mill of 1200 tons nominal capacity, doubling the former milling facilities, and the installation of a large central electric station for supplying power to the mines and mills. The accompanying map shows the general fea-

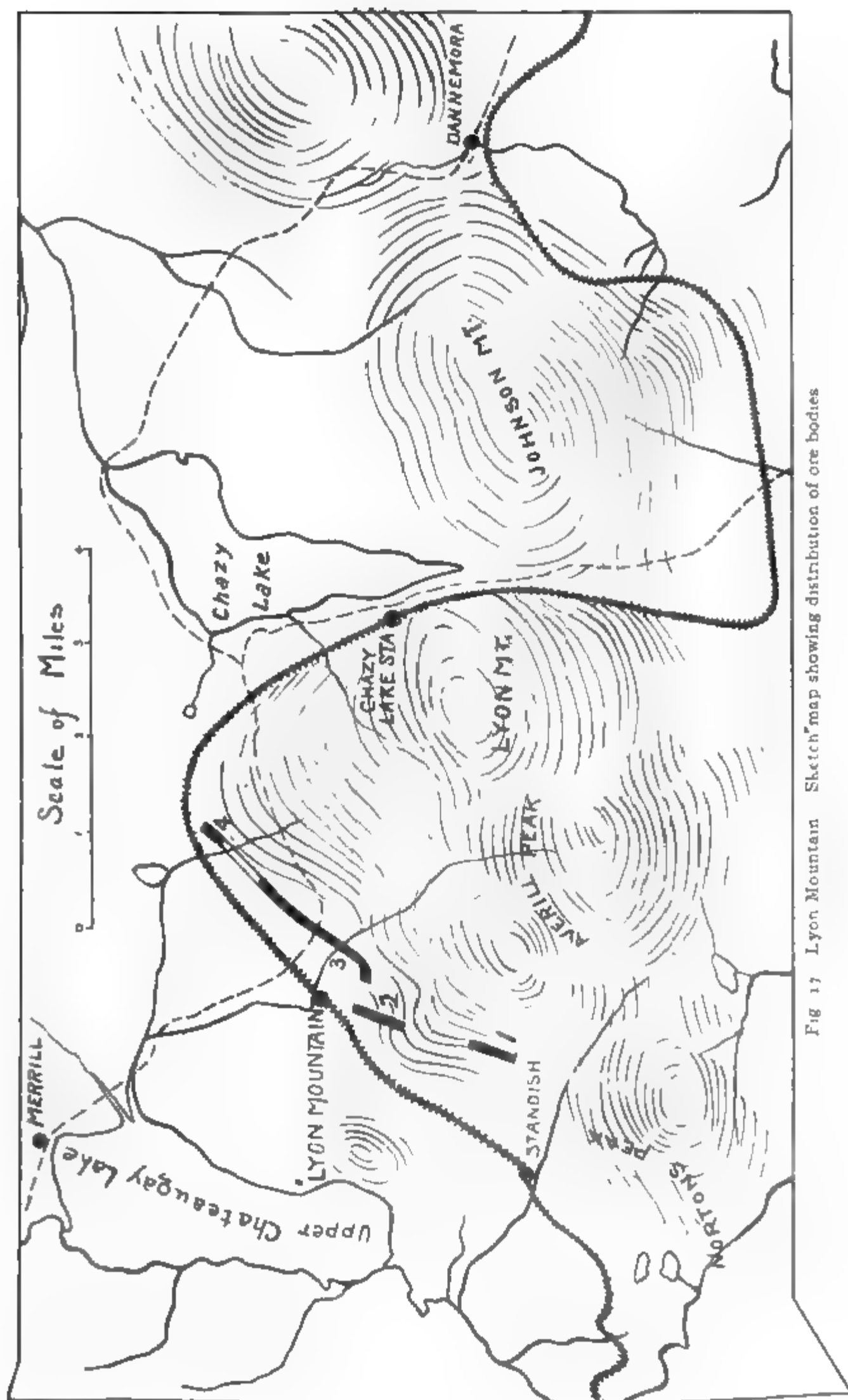


Fig 17 Lyon Mountain Sketch map showing distribution of ore bodies

tures of the topography about Lyon Mountain and the distribution of the magnetite deposits. The deposits indicated by the numbers on the map are as follows: 1, Standish or 81 mine; 2, Phillips vein; 3, Main group; 4, Parkhurst.

General geology

The several prominences, which include Lyon mountain in the middle, Averill peak and Morton's peak on the western flank and the Dannemora mountain on the east, constitute the main axis of elevation in this section of the Adirondacks. Towards the east the ridge is succeeded by the narrow abruptly sloping plain of Lake Champlain, while on the north the elevations gradually die out beneath the broad plain of the St Lawrence. Lyon mountain, the culminating point, rises to an altitude of 3,800 feet, and is the most conspicuous landmark in the northern Adirondacks. The ridge is separated from the parallel one to the north, known as Ellenburgh mountain, by a valley 5 or 6 miles wide, the floor of which lies at an elevation ranging from 1500 to 1700 feet. On the west the valley contracts owing to a line of spurs which offshoot from Averill peak in a northwesterly direction. Upper Chateaugay lake which receives the drainage of the valley lies in the western part while Chazy lake is on the eastern side of a low ridge that extends northeast from Lyon mountain.

The higher ridges mentioned above mark the limits of the gneisses and associated crystalline rocks in the northeastern Adirondacks. As they fade out into the bordering plains, the crystallines are succeeded unconformably by Paleozoic sediments which extend over the remaining area as far as the shores of Lake Champlain and the St Lawrence river. The present line of contact between the two series is well up on the outer slopes of the ridges but follows the main valleys for considerable distances into the interior.

Paleozoic rocks. Within the area under discussion the Paleozoic strata are of little areal importance. A narrow belt of Potsdam sandstone occupies the lower part of the depression between Ellenburgh and Dannemora mountains extending as far as Chazy lake and to an elevation of about 1500 feet. Another Potsdam area occurs on the northeastern border of Dannemora township where it is found as high as 1700 feet. According to H. P. Cushing,¹ who has mapped the areas, the rock is a reddish arkose quite different from the coarse phase usually occurring at the base of the formation.

¹Geology of Clinton County. N. Y. State Mus. 49th An. Rep't. 1898. 2:537. Also Geology of Rand Hill, 53d Mus. Rep't. 1901. 1:63.

Plate 11



General view of Lyon Mountain The mines lie part way up the slope of the first line of ridges in the background

Gneiss series. The gneisses are the most widespread of the rocks represented in this region. With the exception of the numerous but comparatively limited exposures of dike rocks which are hereafter described, they comprise practically all of the crystallines adjacent to the ore bodies and occupy as well most of the surrounding country. The occurrence of gabbro and augite syenite has been noted at Rand hill, east of Dannemora mountain, but so far as observed they do not appear anywhere in the immediate vicinity of Lyon Mountain.

In this series is included a complex of rocks differing in composition and physical characters. The study of their field relationships is attended with much difficulty owing to the heavy mantle of drift over the area affording limited opportunity for observation, and to the variations in the rocks from place to place. Practically all of the numerous specimens taken from typical exposures in the vicinity of the ore bodies may be classed, however, in the following groups.

Augite gneiss. This is a reddish or grayish granular rock characterized by the presence of augite. It is mentioned by Cushing as one of the predominant types in the group of gneisses designated as the Saranac formation.

In its prevailing development it consists essentially of feldspar, quartz and augite, with subordinate hornblende, titanite, magnetite and apatite. The augite is an emerald-green variety and is always abundant, sometimes composing as much as 20 per cent of the rock mass. The feldspar is mostly orthoclase, but small amounts of plagioclase (oligoclase) may be present. The orthoclase shows a microperthitic intergrowth with albite. The quartz is a fluctuating constituent, though the relative quantity is below rather than above the proportions found in typical granites. The greenish, strongly pleochroic hornblende occurs in skeletal or very irregularly bounded anhedral and may be in part derived from the augite with which it is intimately associated. Of the other components titanite alone has importance. Most specimens exhibit this mineral abundantly distributed in the form of rounded grains varying from light yellow to reddish brown in color. It also occurs as rims surrounding the magnetite. In some specimens taken from the walls of the ore bodies, the titanite constitutes fully five per cent of the rock mass.

The field appearance of the gneiss is usually massive, with but faint tendency toward a parallel grouping of the constituents. Though it has undergone more or less crushing which has broken

down the feldspar into granular aggregates, it seldom shows any well developed schistosity. Near the ore the gneiss is seamed through and through by pegmatite of lighter color and is also penetrated by a fine-grained granite like that found on Birch hill. Bands of somewhat darker appearance are not infrequently intercalated in the gneiss. They are apt to be more hornblendic than the surrounding rock and are probably to be interpreted as masses of the hornblende schist, which is described on a following page, that have been penetrated by, and, to a greater or less extent, incorporated with the augite gneiss. The origin of the latter rock is believed to be igneous; in physical character and mineralogy there is a close accord with the plutonic rocks such as are found among the basal formations of the Adirondacks. That it belongs probably to the older series of this class is indicated by its cataclastic texture along with the presence of similar intrusives in the vicinity that have been but little affected by dynamic agencies. Though the chemical constitution of the gneiss has not been determined by analysis, there would seem to be little doubt that the relative proportions of the constituents agree with those of the acid igneous class, varying from syenite to a low-quartz granite.

This gneiss underlies the greater part of the area about Lyon Mountain. It constitutes most of the high ridge east of the ore bodies as well as the projecting spurs, and probably extends beneath the drift-covered valley to the north and west. It forms the walls in most of the mine openings and is invariably closely associated with the ore.

Granitic gneisses. On the top of Lyon mountain a coarse quartz-feldspar rock of slightly gneissoid appearance is exposed over an area that can not be accurately delimited, though it is probably small. Judging from surface indications it extends a few hundred feet down the slopes, which are thickly strewn with its boulders, but no contacts were found. The rock has the composition of an acid granite, with which it is allied so closely in texture and field structures as well, that little doubt of its igneous nature can exist. Its mineralogy is simple, feldspar and quartz forming almost the whole mass. The latter mineral occurs in flattened lenses and spindles which have a common orientation and give the somewhat indefinite gneissoid appearance observable on weathered surfaces. Microcline predominates over orthoclase, the two feldspars represented. Both show commonly a microperthitic habit. Of the ferromagnesian minerals there are a few scattered grains of green augite and small shreds of biotite. In outcrop the rock exhibits a

massive habit with the regular jointing peculiar to deep seated intrusives. While there are no supporting evidences of inclusions of contact effects, it is regarded as igneous and probably later than the augite gneiss.

A second type of granitic gneiss, related to the preceding in mineral character but possessing a thorough cataclastic structure, was found on Birch hill between Lyon Mountain and Upper Chateaugay lake. The feldspar consists of microperthite, orthoclase and microcline, all of which have been crushed and finely granulated, though an occasional larger crystal particle is inclosed in the crushed materials. The quartz is drawn out into thin bands. Much magnetite occurs in shreds and irregular grains distributed through the mass or more frequently aggregated along parallel lines which may be continuous for some distance. Except for a little secondary biotite there are no ferromagnesian minerals present.

Hornblende schist. A dark hornblende schistose rock is occasionally found in small patches and lenses surrounded by the augite gneiss. It has a more schistose appearance than any of the other rocks and is also conspicuously banded. The principal mineral is dark green hornblende. The feldspar includes both orthoclase and plagioclase in about equal proportions. The remaining minerals comprise scapolite and titanite, the latter constituting at times fully 10 per cent of the mass, and small quantities of augite, biotite, magnetite and apatite.

Lithologically the schist is quite like the schists that accompany the series of sedimentary gneisses and the crystalline limestones. No exposures of limestone were found, but in limited areas like those at Lyon Mountain it is often absent. At the Williams pit the schist forms both walls of the deposit as a comparatively thin band that is intercalated in the augite gneiss with the axis of extension parallel to the general strike. It is seamed by layers of lighter colored gneiss and shades off at the edges into the augite gneiss through a gradual exchange of the hornblende for the augite and the appearance of microperthitic feldspar. On the hanging side of the deposit, the schist incloses a seam that is made up almost entirely of garnet, a black, nearly opaque submetallic variety, evidently high in iron. The same schist was noticed in the walls at the Dickson open cut, and much of it occurs in the rock dumps at Parkhurst shaft though not observed there in place. These observations indicate that a considerable mass of the rock, probably in interrupted bands or lenses, is inclosed by the augite gneiss in proximity to the ore zone.

Dikes. A minor feature of the geology of the region is the occurrence of dikes which are specially common in the vicinity of the ore bodies. They belong to two series of intrusions, an older represented by granite and a younger consisting of diabase.

The granite dikes vary from a few inches to several feet in width. In appearance they resemble the reddish gneiss, from which they can be distinguished, however, quite readily by their finer and more massive texture. Mineralogically they consist of quartz and feldspar, with subordinate augite, magnetite, titanite and zircon. The feldspar is prevailingly orthoclase, but a triclinic variety, probably oligoclase, is usually present. The dikes are almost identical in composition with the Birch hill granite which strongly points to the conclusion that the two rocks are genetically related. The granite dikes can be best observed at the Williams and Burden openings. At the former locality there are several running parallel to or slightly diverging from the course of the ore body. The only contact effect consequent upon the intrusion of the dikes is a slightly bluish tint assumed by the magnetite.

The diabase dikes occur in numbers both on the surface and in the underground workings. They range up to 15 feet thick, the largest one observed being near slope 15. They do not follow any one direction, though the majority of them have a nearly east-west strike, while most of the others run about n. 30° w. New dikes are frequently encountered in the course of the mining operations.

The petrography of the dikes has been described by Kemp and Marsters,¹ who state that they are all diabase, though showing some variation in individual cases. One dike from the Hall slope is said to be characterized by the presence of small hornblende crystals in addition to those of augite, showing a transition to camp-tonite. The writer's observations are in accord with the view cited as to the diabase nature of the dikes. With one or two exceptions examination of thin sections revealed little that is noteworthy in their composition or texture. A small dike from slope 4 is characterized by a pronounced porphyritic habit due to the inclusion of augite phenocrysts in a fine ground mass of augite and plagioclase. Some dikes are peculiarly rich in magnetite which has probably been absorbed from the ore bodies during the period of intrusion. This mineral frequently takes the unusual form of long needles which are arranged in parallel groups crossing one another at

¹ The Trap Dikes of the Lake Champlain District. U. S. Geol. Sur. Bul. 107. 1893. p. 447-48.

definite angles. The large dike near Slope 15 is a mica diabase containing abundant biotite in the place of augite which is the normal ferromagnesian mineral.

Geology of the ore bodies

The ore bodies as previously stated are closely associated with the augite gneiss, which is strongly developed throughout the district and belongs to the Saranac formation. So far as the relations can be observed in mine workings and outcrops, they appear to lie in immediate contact with the gneiss throughout most of their extent, the only exceptions being at the Williams and Dickson pits (and possibly the Parkhurst mine) where they are bordered for some distance by schist. The latter rock is limited to small bands included in the augite gneiss.

The bodies consist of parallel zones of the gneiss, in which magnetite forms a relatively large proportion of the mass. The zones possess a marked persistency along the strike and on the dip, which with their small lateral dimensions gives them a prevailing tabular shape. In structural arrangement they conform closely to the foliation of the gneiss. Their geologic horizon appears to be approximately a constant one, as they are alined in a general northeast-southwest direction, parallel to the main strike of the region.

The borders of the deposits are not sharply defined. Stringers and disseminations of magnetite extend into the gneiss for some distance, forming zones of lean ore on either side of the main bodies. This gradation is, however, a variable feature more evident in some places than others. The gneiss itself shows no noteworthy change as the ore bodies are approached.

In character the deposits possess much uniformity throughout their extent. The present main workings at Lyon Mountain are practically continuous along the strike for a distance of 4000 feet, with few variations noticeable in the occurrence or distribution of the ore. In this respect they are in contrast with most magnetite bodies which have been found to show frequent irregularities, specially in form, from place to place.

The ore is a mixture of magnetite and gangue minerals, the latter mostly feldspar (orthoclase, microperthite, microcline and oligoclase), augite, hornblende and quartz. The different constituents may be intermixed so as to show an even distribution, but more frequently perhaps they have a rudely parallel arrangement, that simulates the gneissoid structure of the wall rock. This is par-

ticularly noticeable on weathered outcrops where the narrow bands of magnetite stand out in relief like small veins. The magnetite occurs in granular particles, or irregular masses made up of many grains, with rarely any tendency toward crystal development. When specimens are examined under the microscope the particles are seen to occupy the interspaces, occurring on the borders of the other minerals or completely inclosing them, a relation which suggests that they have been the last to form. A few small crystals of magnetite having octahedral boundaries are generally observed in the slides and are doubtless of an earlier generation. In the average ore there are about equal proportions of magnetite and gangue minerals. Among the less important components of the ore may be mentioned apatite, titanite, zircon and pyrite; they constitute only a minute percentage of the mass as shown by the analyses. At the Williams pit, a black almost opaque garnet was found in the form of rounded grains mingled with magnetite, near the contact of the ore body and the schist of the hanging wall; this mineral has not been observed elsewhere.

Pegmatite is abundant in the ore bodies. The common variety has a reddish color and is composed of alkali feldspar, augite, quartz and magnetite, resembling the augite gneiss except for its coarser more massive texture. Occasionally it contains a sufficient quantity of magnetite to be considered an ore. Another variety of pegmatite is made up of deep red crystals of microcline with plagioclase, scapolite, augite, hornblende, epidote, quartz and magnetite. The epidote is partly an alteration product of the plagioclase feldspar which is probably oligoclase. The pegmatite occurs in bodies that rarely possess any regularity of outline like dikes, though this may be due to the squeezing and shearing it has undergone. Large interlocking masses of hornblende and augite anhedral occur in both varieties of pegmatite. During the course of mining operations vugs and cavities are frequently opened within the pegmatite masses and some have afforded remarkable groups of well crystallized minerals.

Distribution of the deposits

The ore bodies which have been mined on a commercial scale lie within a narrow belt extending northeast and southwest along the eastern edge of the valley. They have been proved by magnetic attraction and borings to constitute a nearly continuous series with a linear extent of some 5 miles. The several openings in the belt comprise mine 81 on the southern extremity, the main

group of workings in the near vicinity of Lyon Mountain, and Parkhurst shaft which lies about 2 miles northeast of the latter.

Mine 81. This mine is a little over 2 miles in a direct line southwest of Lyon Mountain on the southern face of a prominent ridge which offshoots from Averill peak toward Upper Chateaugay lake. The deposit strikes n. 20° e. into the ridge. It is reported to have been traced by magnetic readings across the ridge toward Lyon Mountain and its strike brings it in line with the Phillips ore body west of the main group. It has been mined along its course for a distance of 1000 feet or more. At present the only accessible workings are two drifts near the surface, the shafts being dismantled and filled with water. The eastern drift which lies higher upon the ridge is approximately 600 feet long and from 25 to 75 feet high, and is open cut for some distance from the entrance at the south end. On the western section there are three shafts, with a drift from the central shaft extended in the direction of the first, but at a slightly lower level. Two of the shafts have been carried down to a depth of 400 feet and a series of levels was opened shortly before the mine was abandoned. The ore averages about 18 feet thick with only minor pinches and swells. It stands nearly vertical, inclining slightly to the east in some places and in other parts slightly to the west.

The adjoining gneiss is the augite variety, almost massive and carrying little quartz. Specimens from near the contact show abundance of titanite and some hornblende. There is little or no gradation along the walls; practically the entire width of the ore zone is occupied by the workings.

Several dikes are found in the eastern drift. They are all diabase. The smallest is about 3 inches and the largest about 3 feet wide. Their direction is northwest-southeast, except in one instance near the heading of the drift where a 2-foot dike occurs on the north side of the ore body running nearly parallel to it. According to local records, the mine was the first one to be explored in the Lyon Mountain district and was worked to some extent as early as 1840. No systematic mining was undertaken, however, until 1878 when the western drift was opened. The eastern drift was opened in 1880. The ore was hauled by wagon to the forges at Clayburg. According to Smock, mining was suspended about 1885; but operations were resumed a few years later and continued up to 1902, since which time the mine has been idle.

The ore does not differ in appearance from the general run of the mines at Lyon Mountain. It is a granular aggregate of magne-

tite, feldspar and augite. The feldspar is mostly oligoclase, with subordinate orthoclase. Incomplete analyses quoted by Putnam, No. 1 from a sample of 300 tons crude ore and No. 2 from 150 tons concentrates, show the following percentages:

	1	2
Iron.....	34.81	65.14
Titanic acid.....	nil	pres.
Phosphorus.....	.041	.017

The sulfur was not estimated. The percentage of phosphorus in both crude ore and concentrates is somewhat higher than the average obtained from present operations at Lyon Mountain, yet the concentrates are superior in this respect to most Bessemer ores. Determinations made on 33 samples of drill cores taken from different localities, reported by Mr H. H. Hindshaw, gave an average of 41.87 per cent iron and .025 per cent phosphorus.

Main group of mines. The ore deposits now under operation at Lyon Mountain comprise the middle section of the belt on the northwestern slopes of the high ridge. The mean elevation of the outcrop is about 2000 feet above sea level and 300 feet above the floor of the adjoining valley.

In the southern portion of the group three parallel series of deposits occur and are known locally as the front or main vein, the middle vein and the back or Dickson vein. The main vein which is the one most extensively worked has been proved by actual development to constitute a continuous ore body for a distance of about 2500 feet and its further continuity indicated by test pits and magnetic determinations for an additional 2000 feet. The back vein has been opened only on the southern portion; it outcrops parallel to the main vein at a horizontal distance of about 200 feet. The middle vein between the two is undeveloped and little is known about its extent. A plan of the surface and underground workings is shown in figure 18.

It is only in the extreme southwestern part of the group that any evidence of a marked structural break is found. For most of the distance the outcrop follows an almost straight line in a general direction n. 20° e. Near shaft 5, however, a rather sharp fold enters causing the outcrop to swing around to nearly west and this direction is followed for the remaining distance of 1000 feet in which the deposits have been mined. Beyond the Burden open cut which is the most westerly working on the southern wing of the fold the continuation of the ore has not been clearly estab-



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lished. The geologic relations are obscured by the heavy drift covering the lower slopes of the ridge and the valley floor. The results of magnetic surveys and diamond drill tests, so far as they can be interpreted, indicate the probable interruption of the deposits at a point not much distant from the Burden pit.

Another group of deposits has been shown to occur, though completely buried beneath drift, on a low ridge 2000 feet west of the main group and is known as the Phillips vein. Its northern extremity lies about 2000 feet northwest of the Burden while its trend is southwest toward the 81 ore body. It consists of two parallel veins which correspond quite closely with the front and back veins of the main group and like them have a northwesterly dip. Their position and similarity of relations suggest the possibility that they are a displaced portion of the main ore zone. The existence of a fault with a throw to the northwest would explain the sudden termination of the ore near the Burden pit and may be considered also not improbable owing to the severe dynamic strains to which the strata have been subjected, as manifested by the folding and by the minor flexures and shearing effects that are observable in the adjacent ore bodies and inclosing walls. The indicated throw of the fault is a little west of north, approximately parallel to the axis of the main fold.

Mining operations are confined at the present time to the southern section of the ore zone. In this part there are some 20 slopes or inclined shafts, besides open cast workings, located at intervals along the outcrop of the front and back veins. Beginning at the southwestern extremity, the first openings on the front vein are the Weston and Hammond, then follow in order Nos. 1, 2, Hall, 3, 4, and so on up to No. 16, which is near the old mill. On the back vein are the Burden, Cannon and Dickson pits.

Most of the ore is now obtained by underground mining in the Hall slope and the adjacent slopes 3, 4 and 5, and by open-cut workings at the Burden and Cannon pits. The deepest working is No. 4 which has been carried down to a depth of 1400 feet on the course of the deposit or about 800 feet vertically. The Hall and No. 3 slopes have reached nearly equal depth. The dip of the ore bodies in this section is about 45° north at the surface but gradually flattens downward to 25° or less.

At the Burden and Cannon open cuts the width of the back vein is fully 150 feet measured along the surface. In the bottom of the Hall slope the horizontal drifts are 200 feet wide. Such thicknesses are unusual, however, and in the former instance may be

ascribed to a local bulge that has probably resulted from the folding. The large ore body found in the Hall slope very likely represents the combined front, middle and back veins which have converged in depth. The walls are not well defined in this part, as the ore grades along the contact into the country rock. Between slopes 5 and 16 the main or front vein averages about 20 feet across the dip and is quite regular. The dip ranges from 45° to 60° n. w., being steeper at the north. The main workings here are slopes 7, 8, 12 and 14. A section across the ore bodies on line of the Hall slope is given herewith [fig. 19].

The Williams or 82 mine lies 2000 feet northeast of slope 16 on the prolongation of the same zone. It has not been operated for many years. The workings comprise a shaft 180 feet deep and an open cut extending north of the shaft for a distance of 200 feet. The geologic relations here differ from those in the southern part in that the wall rock is an amphibole schist. The deposit consists of stringers and impregnations of magnetite in the schist, with bands of lighter augite gneiss intercalated parallel to the foliation. The ore varies in richness across the outcrop. The dip of the strata is 80° northwest at the surface, but is said to incline away from the vertical gradually with depth.

Drill tests. Mention may be made of the diamond drill borings which have been put down to explore the ore bodies and which show their approximate position outside the limits of present workings. A drill hole located on the west side of West Mine street, 1200 feet from the entrance to the Hall slope and in line with its direction, found the ore at 663 feet depth with a thickness of 100 feet. The indicated average dip of the ore body from the outcrop to the point intersected by the hole is thus about 45° .

At a locality on the continuation of the same line but 800 feet farther north, the ore was encountered at 1031 feet and showed a thickness of 74 feet. The dip flattens considerably between the two holes, averaging only 22° for the interval.

On line with slope 15 and 600 feet distant from the shaft a drill hole found the ore at 986 feet with a thickness of 80 feet. The indicated dip is about 60° . A second body of lean ore 20 feet thick was found below the first separated from it by 15 feet of rock.

A negative result was obtained by drilling 700 feet northwest of the Weston pit. The hole was put down 1859 feet but failed to find ore. The position of the hole is somewhat west of a line drawn from the Burden pit, which approximately marks the southwestern limits of the main zone as present known, to the

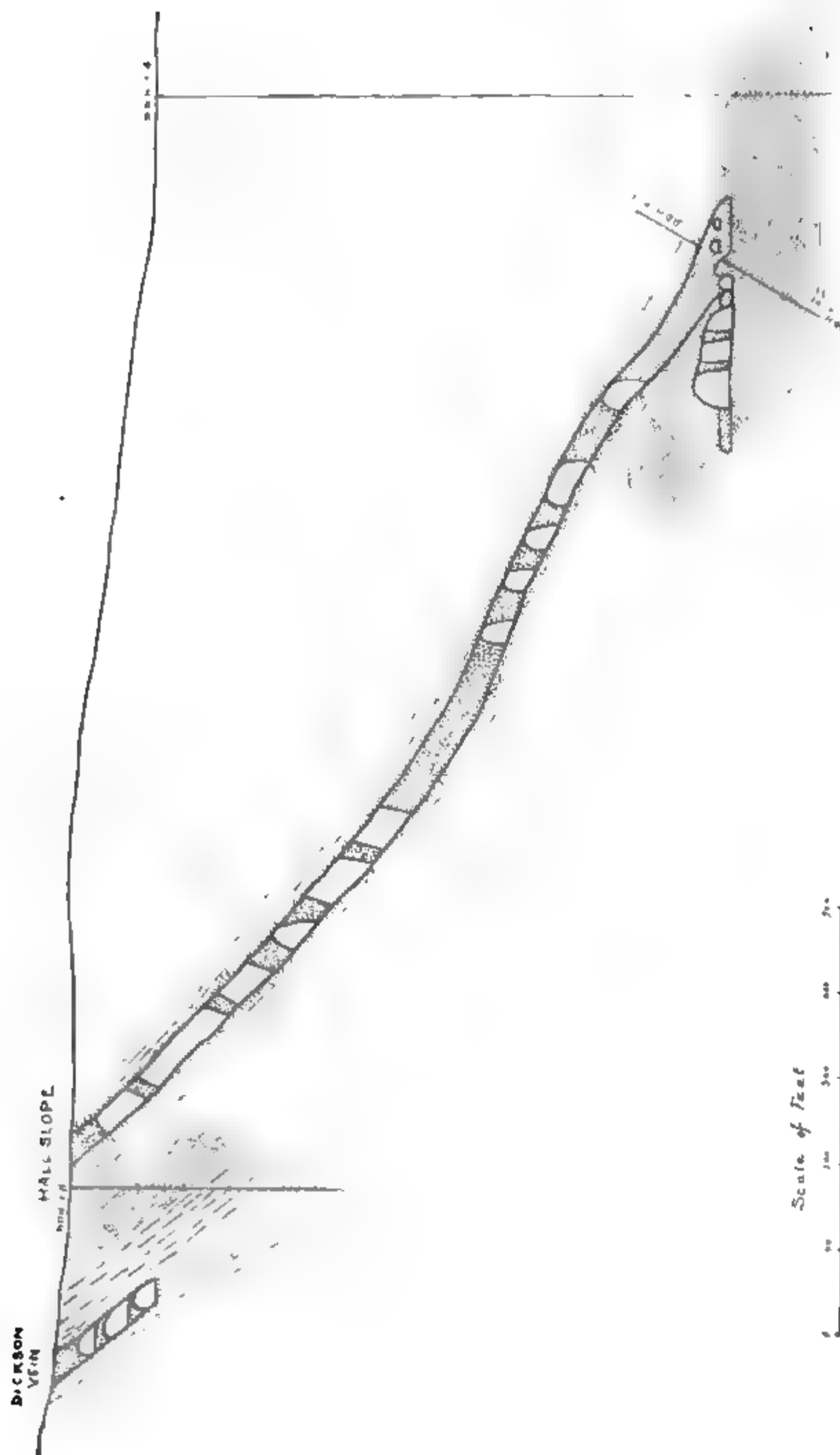


Fig 19 Lyon Mountain Vertical section across the ore bodies on line of the Hall slope

indicated northern extremity of the Phillips vein. If the presence of a fault is assumed to account for the relations of the latter to the main zone, the line would coincide with the probable direction of displacement so that the drill hole actually may be considerably above the horizon of the ore bodies.

The Phillips vein has been tested by two drill holes. Two parallel bodies of ore have been found with a thickness of 50 feet. The dip is 80° northwest.

Chemical analyses. There is a wide range in the mineral composition of the ore and consequently in the chemical composition. Some portions of the deposits have only small amounts of admixed gangue minerals so that the iron content may run as high as 50 per cent or even more. The quantity of such ore mined, however, is not large when compared with the total output. On an average the iron runs between the approximate limits of 30 and 35 per cent.

The analyses below furnish the essential details as to the chemical composition of the crude ore and of the concentrates made by magnetic separation as now practised. No. 1 represents a sample of relatively rich ore, such as was formerly shipped without concentration. No. 2 is an average of concentrating ore, and Nos. 3 and 4 of concentrates. For analyses Nos. 2 and 3 the writer is indebted to Mr James Brakes, chemist at the mines. Analysis No. 1 is quoted from an article by James M. Swank published in the volume of the "Mineral Resources" for 1883 and 1884.

	1	2	3	4
Fe ₂ O ₃	47.38	31.48	60.128	63.062
FeO.....	21.32	15.81	28.850	28.996
FeO (gangue).....	.....	2.83	.257	.....
SiO ₂	20.89	33.16	6.880	4.740
TiO ₂.....	.....	.427	.417	.....
S.....	.084	.027	.022	.031
P ₂ O ₅.....	.057	.043	.023	.012
Al ₂ O ₃	4.02	4.90	.900	.339
MnO.....	.21	.115	.107	.134
CaO.....	3.72	4.96	.660	.740
MgO.....	2.11	2.10	.405	.434
K ₂ O.....	.....	1.438	.494	.....
Na ₂ O.....	.....	2.283	.777	.....
H ₂ O.....	.....	.25	.040	.....
	99.791	99.823	99.960	98.488

Iron.....	49.750	36.50	64.72	66.695
Phosphorus.....	.025	.019	.010	.005
Manganese.....	.162	.089	.083	.104
Titanium.....	.....	.256	.250	....

The small quantity of titanium shown in analyses Nos. 2 and 3 is interesting, though metallurgically negligible. It seems to be carried by the mineral titanite which is intergrown with the magnetite. The phosphorus averages about .008 in the concentrates now made.

In the report by Putnam are given the following incomplete analyses of furnace ore and concentrates. The latter were prepared by jigging, a system of concentration formerly employed at the mines. The sample of furnace ore (1) was an average of 22 carloads; that of concentrates (2) an average of 120 tons.

	1	2
Iron.....	45.21	66.00
Titanium.....	nil	pres.
Phosphorus.....	.011	.003

The character of the gangue material, which in a way may be regarded as closely allied to the country gneiss, is shown by the subjoined analysis of tailings from magnetic treatment. The analysis has been supplied by Mr Brakes.

SiO ₂	58.56
Al ₂ O ₃	10.72
Fe ₂ O ₃	4.57
FeO.....	8.36
MgO.....	4.06
CaO.....	8.24
Na ₂ O.....	2.99
K ₂ O.....	1.61
H ₂ O.....	.12
TiO ₂.....	.457
P ₂ O ₅.....	.064
MnO.....	.124
S.....	.035
	<hr/>
	99.910

It is apparent that the percentage of free silica in the form of quartz must be small. The relative proportions of the chemical constituents agree quite closely with those found in many syenites.

Parkhurst mine. This mine has been opened on the northeastern part of the ore belt. The shaft is about 2 miles from Lyon Mountain station. Within a short distance north of the Williams mine the outcrop of the deposits passes beneath drift and is nowhere exposed over the northern section. There is no interruption in the lines of magnetic attraction, however, so that it seems safe to assume that the ore continues unbroken in the interval which is something over a mile.

The shaft has been put down on the slope of a small hill at a point a few hundred feet east of the railroad and perhaps a hundred feet above it. The shaft was located with a view to striking ore near the outcrop, the line of which had been previously approximated by magnetic determinations. The first work on the shaft was done over 20 years ago. After passing through 70 feet of drift, rock was encountered and sinking was discontinued for a time. Later on a drill hole which had been put down in the bottom of the shaft showed ore at a depth of 145 feet from the surface with an apparent thickness of 48 feet and an average iron content of 40.41 per cent. The shaft was then sunk to the ore and mining begun. In the period of operations from 1889 to 1892 inclusive the output according to company records amounted to about 40,000 tons, of which 37,500 tons was classed as furnace ore and was smelted without concentration in the furnace at Standish.

The shaft is now partially filled with water, preventing access to the underground workings. The character of the rock dumps about the shaft indicate that the walls are made up of a schist similar to that at the Williams mine. There is much pegmatite in both ore and country rock and the existence of one or more diabase dikes is inferred.

The magnetite has a granular texture, coarser than the average of the ore found in the workings farther south, and is intermixed with a gangue consisting mainly of quartz and feldspar. It contains apatite in crystals and grains of macroscopic size, indicating a fairly high phosphorus content. According to analyses that were made during the period of operations, the ore shipped to the Standish furnace averaged 49.73 per cent iron and about .1 per cent phosphorus. The following two analyses furnish additional particulars as to the character of the ore.

Plate 12



The new mill at Lyon Mountain



	1	2
Fe ₂ O ₃	42.157	56.559
FeO.....	23.096	23.313
SiO ₂	23.340	13.700
S.....	.038	tr.
P ₂ O ₅433	.205
Al ₂ O ₃	4.791	1.900
MnO.....	.129
CaO.....	4.700	4.390
MgO.....	1.643
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	100.327	100.067
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Iron.....	47.374	55.779
Phosphorus.....	.189	.095
Manganese.....	.100

From samples collected recently from the mine dump, the following percentages were obtained, No. 1 being a sample of the rich ore and No. 2 of leaner material:

	1	2
Iron.....	56.10	34.20
Silica.....	13.85	34.08
Titanic oxid.....	nil	.20
Sulfur.....	.015	.033
Phosphorus.....	.156	.031
Manganese.....	.05	.04

Aside from its richer character, the principal feature of the ore from this mine, as compared with that from the other workings of the district, is the relatively high phosphorus which as will be observed exceeds the maximum admissible in Bessemer ores. It is largely for this reason that the present company has not continued exploitation of the ore body.

A magnetic survey of the ground about Parkhurst shaft carried out in 1906 affords strong evidence for the regularity and continuity of the deposit for a distance of at least $\frac{1}{2}$ mile to the northeast of the old workings, while to the southwest the lines of attraction continue without break to the Williams mine and the main group. There is reason for believing also that the deposit here is above the average in thickness. This is indicated by the results obtained in the shaft itself, and is further supported by the record of a drill hole put down about a half mile to the southwest. The

hole referred to is located in a swampy tract 200 feet northwest of the apparent outcrop. It is bottomed at 469 feet. Ore was cut at 185 feet from the surface with a thickness of 167 feet. As the hole is vertical allowance must be made for the dip of the ore body which is not accurately known though it is supposed to be about 40° n. w.

Production of the Lyon Mountain district. The output of the district since the beginning of active work in 1871 may be placed approximately at 3,500,000 long tons. This estimate is based on incomplete records, but it is believed to be not far from the actual total. In the period from 1881 to 1889 inclusive the shipments amounted to 1,539,520 long tons. There are no statistics on record for the period from 1890 to 1900, but in the six years following 1900 the shipments have aggregated 606,573 tons. During the early years the output included a proportion, varying from year to year, of selected ore which was shipped in its crude state and which carried from 45 to 50 per cent iron. This practice was discontinued later on, and the more recent shipments have consisted solely of concentrates, assaying from 60 to 66 per cent iron.

MINES IN THE SARANAC VALLEY

In the towns of Saranac, Black Brook and Dannemora, along the Saranac valley, there are old mines that were once operated in connection with local iron works. During the middle of the last century when the bloomery process of making iron was generally used this section supported one of the largest industries of this kind anywhere in the State, its importance having been due to the great timber tracts which afforded a plentiful supply of charcoal for fuel and to the abundant water power on the Saranac river, one of the principal Adirondack streams. Forges were built along the river at Clayburg, Redford, Russia and Saranac. The ore was drawn not only from the local deposits but from Lyon Mountain and other points many miles distant. The industry was discontinued about 1880 and brought about a cessation of mining in the region, though one or two deposits were worked some time after that date.

Geologic features. The gneiss series is most extensive. In it are represented varieties more or less distinct in their mineralogy and appearance, but of which the augite gneiss described as the ore-bearing formation at Lyon Mountain and the granitic gneisses have the largest areal development. They are characteristic members of Cushing's Saranac formation, indeed the latter takes its

name from their extensive occurrence along the Saranac river in this section.

In his report "Geology of Clinton County," Cushing describes as belonging to a separate type, a silicious gneiss, resembling quartzite in appearance, but composed of microcline and quartz, with garnet and a mineral that corresponds optically to sillimanite. It occurs along Trout brook which enters the Saranac at Russia. From its composition he is inclined to consider the rock a sedimentary derivative and he further suggests that there may be a belt of related gneisses and crystalline limestone within the drift-covered valley. The exposures are insufficient to establish the extent of the sedimentary or Grenville rocks, but it is probable that such a belt exists. Further evidence confirming this view was found by the writer near Clayburg where a biotite schist is exposed along the west bank of the Saranac river. The schist has been injected by granitic materials, though its characters are plainly those of the Grenville series, shown by its crumbling well foliated texture, pyritic inclusions and variation of composition across the strike.

Small areas of gabbro are found at two localities in the district. The largest exposure is just north of Clayburg and is about 50 yards wide; the second outcrop is west of Russia on True brook. They occur as dike intrusions in the Saranac gneisses.

Diabase dikes are numerous. Cushing has listed 26 within the townships of Saranac and Black Brook and several more occur in the mines that have not been recorded. They are the latest of the recognizable igneous rocks.

Of the sedimentary rocks the Potsdam sandstone composes a part of the surface geology of the district, occupying a large area in Saranac township east of the river. It is not exposed anywhere in the vicinity of the ore bodies.

Averill mine. Near Dannemora village are the Averill, Ellis, Fairbanks and Dannemora mines, all of small size. They lie on the slopes of the high ridge which forms the north side of the Saranac valley and of which Dannemora mountain marks the culmination in this part.

The Averill mine is the largest of the group. The ore body is first encountered a few hundred feet southwest of the State Prison and can be traced in a northerly direction for 1000 feet. It is inclosed in a basic hornblende-biotite gneiss, the ore itself consisting of streaks and bands of magnetite alternating with the materials of the wall rock. The latter is cut by reddish granite of which there is a large exposure on the hill back of the prison that has

furnished much of the building material for local use. The granite consists of micropertthite and quartz and is rich in magnetite, resembling the type found on Birch hill near Lyon Mountain. The deposit is inclined 10° to the west and has been worked to a depth of about 100 feet. The main openings are on the southern portion, where there is an open pit 300 feet long and 10 to 30 feet wide. Several hundred feet north of the pit a shaft was sunk in the hanging wall, with the intention of mining the deposit, but the shaft was abandoned after reaching a depth of 100 feet. A drill hole put down near the shaft is said to have found ore at 150 feet from the surface. The ore is mostly of lean character, with an average probably of not more than 35 per cent iron. The mine was opened in 1842. For several years it was worked by the State, but was abandoned with the discovery of the Dannemora mine which is located within the prison grounds. The latter mine is no longer accessible.

Ellis mine. This is situated $2\frac{1}{2}$ miles northwest of Dannemora. It is based upon an ore body from 8 to 10 feet wide consisting of disseminated magnetite in reddish granitic gneiss. The strike is about north and south and the dip 15° west. The pit has a length of 50 feet; it is filled with water so that the extent of the underground workings can not be ascertained. Judging from the small amount of rock on the dump, the mine was not very productive.

Fairbanks mine. The Fairbanks mine is about 2 miles west of Dannemora. It was opened nearly 50 years ago and worked for only a brief period. The ore is from 3 to 5 feet thick.

Bowen & Signor mine. This is located on a belt of deposits which show a nearly continuous line of magnetic attraction extending several miles along the Saranac river in the towns of Black Brook and Saranac. The outcrops are concealed for most of the distance by drift and river sands, but the horizon of the ore has been approximately fixed by magnetic measurements. These show a line of maximum attraction which begins 1 mile east of Redford and runs in a broad curve southwest at first to Clayburg and thence westerly and northerly to a point on Cold brook about $1\frac{1}{2}$ miles north of its junction with the Saranac. The principal lines of magnetic attraction are indicated on the accompanying sketch map [fig. 20].

The Bowen & Signor mine lies 1 mile south of Redford on a drift-covered ridge that rises from the south bank of the Saranac. There are some 6 or 8 pits and shafts, now dismantled and filled by caving of surface materials. At the date of Putnam's report the ore had





11-11-11

been mined for 1600 feet on the first level 100 feet below the surface, while a second level 75 feet below the first had been opened on the west end. The width of the deposit according to the same authority averaged 20 feet, thickening to 30 feet in places. In 1905 the deposit was tested by diamond drilling, the results of which have shown that it is irregular and pinches in places to a thin seam. Of the 12 holes put down along the strike, ore was found in all but three and the maximum thickness was 22 feet which was encountered near the central part of the old workings. On the western end, the body apparently is broken up into several parallel bands. The dip estimated from the data obtained in the drill holes ranges from 45° to 65° east, being steepest on the west. Several diabase dikes intersect the ore body and are said to mark lines of faulting.

The wall rock, judging from specimens collected along the surface, is not the usual reddish granitic variety exposed in the district. It has a light gray color and is made up almost entirely of plagioclase, quartz and magnetite. The plagioclase belongs to the basic end of the series, corresponding optically to labradorite. The composition can scarcely be identified with any common type of igneous rocks, but rather suggests a metamorphosed sediment.

The ore is a mixture of magnetite with hornblende, quartz and pegmatite, the percentage of iron ranging within rather wide limits. The following analyses of crude ore (1) and concentrates (2) are given by Putnam as the results obtained from average samples:

	1	2
Iron.....	34.28	66.78
Titanium.....	nil	nil
Phosphorus.....	.124	.037

From two to three tons of crude ore were required to make one ton of concentrates by the methods of hydraulic separation formerly used.

The output of the mine from its opening in 1855 is reported by Smock at 260,000 tons; though not specifically mentioned the quantity probably represents crude ore.

Clayburg mine. Near the site of the old forges at Clayburg are two pits, the openings of which face toward the Saranac river. The larger pit, on the west bank and somewhat south of the smaller one located on the east side of the river, is several hundred feet long and some 50 feet deep. It is partly an underground drift. The strike is nearly east and west and the dip almost vertical inclining

a few degrees toward the north. So far as can be estimated from the surface the breast of ore must have averaged about 15 feet. The walls in both pits consist of micropertthitic gneiss of granitic character with the high percentage of magnetite nearly always present in this rock. No analyses of the ore have been obtainable; the general average is probably about that given for the Bowen & Signor deposit.

Tremblay mine. This deposit is situated in the town of Saranac 2 miles west of Clayburg. The workings which consist of one or more pits are now filled with water so that neither the deposit nor the walls can be seen. Putnam has recorded that in 1880 the main pit was from 150 to 200 feet long and 75 feet deep. Little work was done after that date. The analyses of ore (1) and concentrates (2) are quoted from his report.

	1	2
Iron.....	28.62	65.01
Phosphorus.....	.017	.004

ST LAWRENCE COUNTY MINES

On the west side of the Adirondacks, St Lawrence county contains the only deposits of nontitaniferous magnetites that have been extensively mined. The principal workings are at Jayville, Benson Mines, Fine and Clifton in the southeastern part, near the headwaters of the Grasse and Oswegatchie rivers. They are reached most readily by the Carthage & Adirondack Railroad, which affords direct communication with Lake Ontario at Sacketts Harbor and crosses the main railway lines at Watertown and Carthage. The accompanying sketch map [fig. 21] gives the location of the larger deposits.

The deposits were discovered many years ago. Some of them are mentioned by Emmons who did not, however, consider them as available resources at the time owing to their remote situation. On that account they received little attention from the early iron manufacturers of St Lawrence county. Most of the ore used in the old furnaces came from the hematite deposits around Gouverneur and Antwerp. The region about the mines is largely wilderness with few beaten routes of travel.

General geology

The Adirondacks fall by gradual stages toward the St Lawrence plain. The surface in this section has a mean elevation of from

1000 to 1500 feet increasing to the southeast in the direction of the interior uplifts. Though the contours are generally rugged, due to succeeding lines of ridges, there are few notable prominences and the hills rise scarcely more than 500 feet above the valley bottoms.

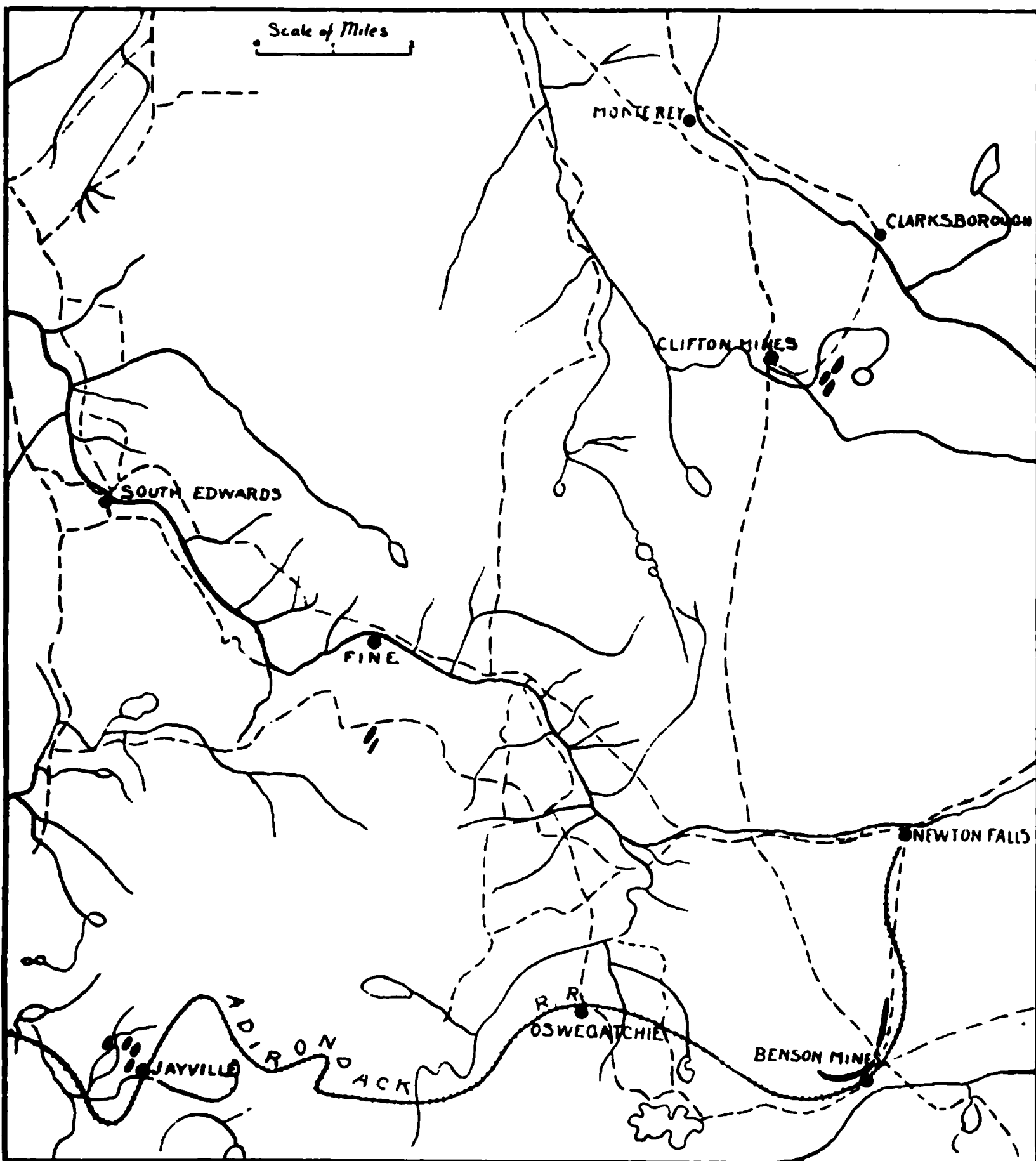


Fig. 21 Sketch map of the St Lawrence county magnetite deposits. Ore bodies shown by heavy lines

The geology of this part of the Adirondacks has been investigated only in its broad features. No maps adequate for a detailed survey are available, and until they are forthcoming a systematic investigation must necessarily be postponed. It is to the reconnaissance carried out during recent years by C. H. Smyth jr, that

we owe most of our knowledge concerning the subject.¹ Professor Smyth has worked mainly in the outlying sections, including central and western St Lawrence county and eastern Lewis and Jefferson counties, but the salient facts of structure and stratigraphy he has brought to light apply as well to the region under discussion.

The rocks which have widespread development comprise crystalline limestones, schists, gneisses and a series of intrusives ranging from granite to basic varieties represented by the gabbros. They are lithologically analogous to the prevailing rock types that are described in connection with the mining districts of Clinton and Essex counties and in some cases no doubt can be correlated as parts of the same geologic formations, though it is not to be inferred that they are strictly equivalent as to time. All are older than the most ancient of the fossiliferous strata in the region, the Potsdam sandstone, and underlie the latter unconformably.

The Grenville limestones and their associated schists (called the Oswegatchie series by Professor Smyth) are relatively less important in the interior than in the western part of St Lawrence county. A belt of these rocks traverses the town of Pitcairn and extends across the line into Jefferson county, with a length of 15 miles from northeast to southwest. There are good exposures of the limestone at Harrisville and on the east side of Bonaparte lake, in the middle portion of the belt. This is the most easterly of the larger areas, as elsewhere in the interior the rocks occur in isolated patches of no great size. The limestone is always thoroughly crystalline; the schists belong to the hornblendic, micaceous, pyroxenic or quartzose types so characteristic of the Grenville series throughout the Adirondacks.

Among the gneisses which occupy most of the area in the vicinity of the mines, there is great variety. Some are closely related to the igneous rocks and have been demonstrated to be in part simply gneissoid phases of the latter. On the south side of the limestone belt referred to above, syenitic gneiss grading into massive syenite is exposed in force underlying an area estimated at 75 square miles. It is clearly igneous and later than the limestone. In association with it occurs a more acid hornblende gneiss which seems to belong to the same intrusive mass, since there is a gradual transition across the contact. On the north side of the limestone belt,

¹For the results of Professor Smyth's work, consult the annual reports of the New York State Museum for 1893, 1895, 1897, 1898 and 1899.

north and east of Harrisville, recognizable gabbro outcrops have been found. These rocks, it may be noted, are comparatively rare, in contrast with their wide distribution elsewhere in the Adirondacks.

A prominent member of the gneiss series is a coarse reddish hornblende rock which has the composition of granite. It is abundant in the region east of Harrisville, particularly between Benson Mines and Cranberry lake and the section northward. Its affinities are with the igneous rocks, as indicated by field evidence in places, though further investigation is needed to prove that the gneiss is of uniform character and derivation.

Certain representatives of the gneisses are undoubted metamorphosed sediments, yet contain no included bands of limestone. Their sedimentary origin is traced by their mineralogical and textural peculiarities. They have a variable composition, light colored quartzose varieties alternating across the strike with dark varieties in which there is a considerable proportion of hornblende, mica or pyroxene. Garnet is a frequent constituent and pyrite is seldom wanting. Sillimanite also appears, but rarely in crystals sufficiently large to be distinguished without the aid of the microscope. The constituents have a granular habit, without the definite arrangement or texture which obtains in igneous rocks. These gneisses are to be classed as members of the Grenville series. They are very much like the hornblende and mica gneisses that occur over large areas in the eastern Adirondacks and which have been assigned to the base of the Grenville.

Description of mines

Benson mines. The deposits are in the town of Clifton, on the north side of Little river. Benson Mines is a hamlet and a railroad station, 43 miles east of Carthage. The valley lies at an elevation of about 1600 feet, while the limiting ridges are somewhat more than 2000 feet.

In his report on the Second District,¹ Emmons mentions the occurrence of magnetite bodies on the Oswegatchie river near the crossing of the former highway known as the Albany road. From the accompanying description it is evident that the present Benson mines are referred to; and the stream now known as Little river was probably designated on the old maps as the Oswegatchie of which it is a tributary. Emmons states that a considerable quan-

¹Survey of the Second Geological District. 1842. p. 347.

tity of ore had been taken from the locality and transported to Canton for reduction.

Systematic mining was not started until the extension of the railroad into the region in 1889. A mill was then erected on the property for the purpose of concentrating the ore into a commercial material, and was run until 1893 when, owing to a depression in the iron trade, the operations became unprofitable. Mining was again resumed in 1900, but only for a short period.

The total production subsequent to 1889 has been estimated at 370,000 tons crude ore, or 150,000 tons mill concentrates of above 60 per cent iron. The mines were developed and worked by the Magnetic Iron Ore Co., who have recently been succeeded by the Benson Mines Co. Mining operations were resumed in the fall of 1907.

Geology and occurrence of ore. In their general nature the deposits are much like those at Lyon Mountain. They consist of bands of gneiss charged with magnetite which is mainly disseminated more or less evenly through the rock mass. The bands are directed by the prevailing foliation so as to conform to it in strike and also probably in dip. A series of these parallel and coalescing bands constitutes the ore belt in which the mines have been opened.

The country gneiss has the appearance of a metamorphosed sediment and the writer feels little hesitation in placing it in the Grenville formation, though the absence of any limestone restricts the evidence bearing upon its origin to lithologic considerations. Observed in the field it exhibits no constancy of character from place to place. It is variously a hornblende, biotite or pyroxene gneiss and again may be destitute of dark minerals except magnetite. The different types occur as interpositions rapidly changing from one to another across the dip. The foliation, which is not particularly well developed, seems to follow consistently the division planes between them. Pyritic impregnations lend a rusty stain to the surface in places. In the composition of the gneiss, feldspar, quartz and the ferromagnesian minerals above mentioned partake most largely. The feldspar is orthoclase with subordinate oligoclase and microcline. Scapolite, sillimanite, zircon, apatite and garnet are among the less common constituents.

The principal ore belt lies near the base of a ridge which rises north of the railroad. The ridge has a northeasterly trend with a gradual slope in the lower part where it falls away toward the river. At the locality of the open pits by the mill, the surface

is only from 50 to 100 feet above the river and it continues practically at the same level for a distance of 500 feet or so to the north.

The strike of the ore is here about $n. 60^{\circ} e.$ West of the pits the deposit follows that course nearly in a straight line for a distance of 1000 feet; it then turns quite abruptly toward the northwest, at nearly right angles to its former direction, and ascends the ridge. It apparently dies out or disappears in a swampy tract about a mile west of the railroad station. The outcrop is concealed over considerable intervals, but the magnetic determinations serve to fix its course with reasonable accuracy. North of the pit the continuation of the ore can be traced across the highway and brook. There is some uncertainty as to the further extent of the deposit owing to the heavy covering of drift, though the magnetic surveys indicate that it wedges out or grades into the country rock within a few hundred feet north of the brook. The strike in this part is nearly due north.

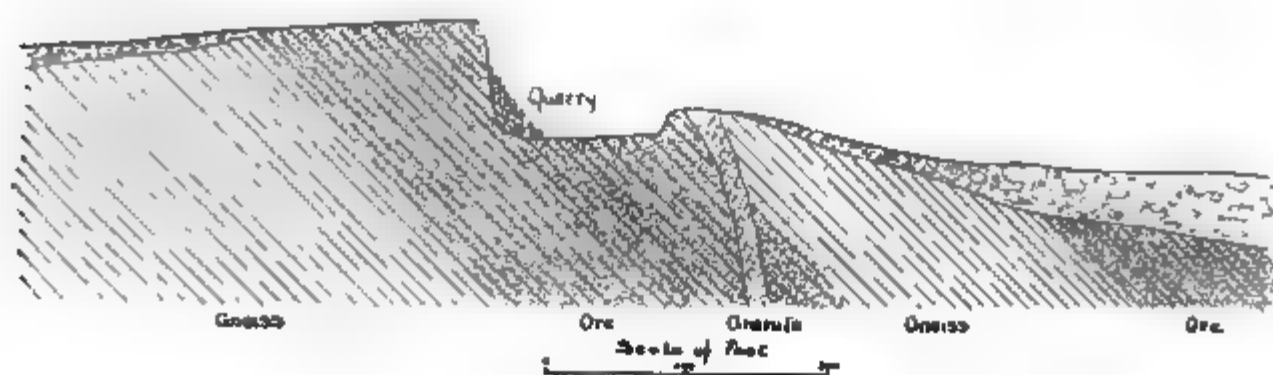


Fig. 22 Benson Mines. Section across the ore bodies, near middle of quarry

Observations of the dip of the ore and inclosing strata show a monoclinical arrangement for the central and northern parts of the ore belt. The gneiss on top of the ridge lies nearly flat. Passing across the strike to the southeast the dip increases gradually until at the pits it is about 45° southeast. This inclination is maintained with little variation for 1000 feet along the outcrop of the ore to the southwest. At the bend or fold in the deposit where it swings toward the northwest, the dip is 60° southeast. Beyond the bend there is a flattening of the dip, and over the remaining distance in which the ore can be traced the outcrops show the strata lying nearly horizontal or slightly inclined to the northwest. The change in the dip takes place within an interval of 100 feet and would seem to indicate a structural break, though there has been no discernible displacement of the ore by faulting.

Besides the deposit described, there are indications of another

belt of ore to the north of Benson Mines that has never been explored or developed. The belt lies to the east of the first and higher up in the gneiss. It begins on the south, according to magnetic readings, nearly opposite the north end of the pits and on line with the railroad. It extends in a northerly course toward Newton Falls in which direction it has been traced for nearly 2 miles. There is little evidence to be obtained from outcrops, the drift being heavy, so that the size and character of the deposit are practically unknown. The magnetic attractions are reported to be fully as strong and continuous as those recorded over the belt that has been mined. The cross-section, herewith, is intended to show the relation of the deposits [fig. 22].

Description of workings. In the open pit, which represents the result of the former productive operations, the deposit has been quarried from the south or hanging side back into the ridge for a horizontal distance of 150 feet. The working face, at first but a few feet above the floor, increases across the dip and is now 50 feet high on the average. The bounds of the deposit have not been reached either on the hanging or foot-wall side. An additional width of fully 50 feet can be gained on the foot-wall, where the ore has been uncovered by stripping of the soil and glacial materials and it is not improbable that the workings may be carried still farther west before reaching the limit of pay ore. The width of the ore, it may be noted, is determined only by arbitrary standards of what can be mined and treated at a profit. There is every gradation between the country rock and the ore, so far as relates to the proportion of magnetite present. Along its course the deposit has been worked for a distance of nearly 1200 feet, the length of the pit from east to west. At the west end there is a face from 15 to 40 feet high in which the ore appears to be of average grade. Its continuation in this direction is assured for several hundred feet by the outcrops and the test pits excavated through the light overburden of glacial material. At a point 1000 feet west of the workings, a ledge is exposed for 100 feet which is reported to average about 40 per cent iron. On the east end the deposit runs out into the valley and has not been uncovered.

The exploration of the deposit in depth, below the level of the open pit, has been limited to a few borings that were made several years ago. Four of these borings are on record, of which the deepest is 180 feet vertically from the outcrop. It encountered ore all the way with a range of from 32 to 44 per cent iron, as shown by assay of 10 samples taken at succeeding intervals. The holes are said to





have been put down somewhere in the vicinity of the pit, though their exact location is not now known.

Within the limits of the exposures the ore exhibits much uniformity. This feature is naturally of prime importance to the economic working of a low grade body such as the present one. Occasional stringers of pegmatite and a fine reddish granite are encountered which carry little magnetite, but they have not proved a serious obstacle to exploitation. In the previous working, the deposit was quarried without leaving any waste and the entire output was sent to the mill.

The deposit has apparently undergone little disturbance in the way of faulting. A slip seems to have taken place near the hanging wall at the pit entrance parallel to the strike of the ore body, but it is probably slight, as there is ore showing on both sides with no marked brecciation. A thin dike has been intruded along the fault fissure. The ore next to the fault has been partially altered to martite.

Character of the ore. The minerals accompanying the magnetite are quartz, feldspar, garnet, biotite, pyrite and apatite. Quartz and feldspar constitute the matrix for the most part, while the magnetite functions as a binding material. The feldspar is mainly the orthoclase variety. The pyrite and garnet are intimately associated with the magnetite, the former occurring as small included grains and the latter as rims on the borders of the magnetite particles. From the manner in which the magnetite and pyrite are intergrown, it is evident that they have been deposited at the same time. The garnet, however, is a later crystallization formed by a reaction between the magnetite and the feldspar in which the chemical constituents of both have been combined. It is a red garnet and responds strongly to tests for manganese. As a rule the ore is rather fine grained, though coarser in this respect than the country gneiss. Like the latter it shows a gneissoid texture. Occasionally the magnetite is segregated in thin bands interleaved with the silicates.

The following analyses give details as to the chemical composition of the ore. No. 1 is the result obtained from a sample of the ore exposed in the present workings, the sample being made up of numerous specimens selected so as to give an average for the entire face of the quarry. The sample was gathered and analyzed by E. Touceda. No. 2 represents a sample of concentrates, an average of 132 cars; and No. 3 a sample of concentrates recently taken from a small lot in the storage bin at the mines.

	1	2	3
Fe ₃ O ₄	49.43	88.08	85.94
Fe S ₂	1.61	.864	.....
SiO ₂	33.32	5.97	5.91
TiO ₂	1.07	.....	1.06
P ₂ O ₅.....	.43	.086	.11
Al ₂ O ₃	6.92	2.26	3.63
MnO.....	.32	2.04	.43
CaO.....	1.42	.28	.68
MgO.....	.91	.18	.08
K ₂ O.....	2.77	.....	.87
Na ₂ O.....	.58	.....
CO ₂.....	.68	.....	.42
H ₂ O.....	.35	.....	.42
	<hr/>	<hr/>	<hr/>
	99.81	99.76	99.55
	<hr/>	<hr/>	<hr/>
Iron.....	36.56	64.18	62.24
Phosphorus.....	.186	.037	.048
Sulfur.....	.86	.461	.37
Manganese.....	.246	.158	.33
Titanium.....	.64	.....	.64

It will be observed that the ore in its crude state is not of Bessemer grade. The concentration, however, eliminates sufficient phosphorus so that the product can be used for Bessemer pig. As a result of the milling operations it was found that the quantity of phosphorus passing into the concentrates could be regulated to some extent by the crushing. With fine crushing the apatite which carries the phosphorus is mostly released and under the magnetic treatment goes into the tailings.

Of the shipments made in the first period of operations, a large part averaged over 60 per cent iron with less than .03 phosphorus. The coarser concentrates carried as high as .47 per cent phosphorus. In the last campaign in 1900 and 1901, the product of some 70,000 tons averaged from 63 to 64 per cent iron, about .037 per cent phosphorus and .46 per cent sulfur. The concentrates were used by Pennsylvania furnaces for Bessemer and foundry irons.

The following analysis is of interest as showing the chemical constituents of the gangue, which may be considered closely analogous in all respects to the country rock. It was made from a sample of mill tailings produced during the regular course of operations.

SiO ₂	67.18
Al ₂ O ₃	17.97
Fe ₂ O ₃	1.02
FeO.....	6.13
CaO.....	1.84
MgO.....	1.50
Na ₂ O.....	.44
K ₂ O.....	1.12
P ₂ O ₅.....	.36
MnO.....	.30
S.....	2.06

	99.92

Jayville mines. Jayville is 14 miles west of Benson Mines and 29 miles by rail from Carthage. With the cessation of mining in 1888 the buildings and machinery were removed and the place has since been practically abandoned, leaving only the waste heaps and pits as witness to the former activity. The mines were last operated by the Magnetic Iron Ore Co., who instituted extensive developments in 1886. The existence of the larger deposits at Benson Mines soon led the company, however, to give up the undertaking in favor of that locality. The mines are credited by Smock with an output of 25,000 tons during the last period of operation.

The ore occurrence presents a phase quite dissimilar from that at Benson Mines and more like the magnetite deposits on the east side of the Adirondacks. There are innumerable shoots, lenses and irregular bunches in which the magnetite is found showing sharp boundaries in contact with the wall rock. The latter is for the most part a hornblende-biotite gneiss of sedimentary appearance. The horizon of the ore lies close to the contact of the gneiss with a red pegmatitic hornblende granite. Outcrops of the granite occur to the north and east within short distances where they break through and cut off the gneiss area in such a way that their intrusive character is plainly evidenced. In some of the openings the granite can be seen in immediate contact with the ore.

The openings are on the northeastern and northwestern slopes of a low ridge of the gneiss that rises just west of the railroad. The pits nearest the station are Hart no. 1 and no. 2, of which the first is said to be 300 feet deep following a shoot 20 feet wide and 10 feet thick. Hart no. 2 is much shallower. At the northeastern end of the ridge where it curves to the west are the pits called New

York no. 1 and no. 2, both of inconsiderable depth. Benson no. 1 farther to the west is reported by Smock to have a depth of 350 feet on the incline; of its two levels the upper is about 25 feet long and the lower driven at a point 60 feet from the bottom of the slope runs off in a southerly direction for 160 feet and then north 60 feet. This pit supplied most of the shipping ore. Between Benson no. 1 and no. 2 an adit has been excavated into the hill on a lead which in the interior develops into a lens some 60 or 70 feet long and 20 feet wide. The Fuller and Essler pits are located at the extreme west, the former being opened on a pod of ore 50 feet wide, dipping 45° west.

The distribution of the ore in disconnected bodies which pitch and strike in all directions has probably resulted from the intrusion of the granite. The bodies occupy approximately the same horizon and have the aspect of an originally continuous band which has been disrupted and faulted. The intrusion has exercised also a metamorphic influence upon the deposits shown by the abundance of garnet and hornblende that often replace the magnetite almost completely. Well developed titanite crystals of unusual size are found in the contact zone.

The analysis below taken from Putnam's report, gives the composition of the Jayville ore. It was made from a sample of 500 tons mined in 1880 and shipped to the furnace at Alpine. It represents the selected lump ore, sufficiently high in iron to be used without concentration.

Iron.....	56.72
Titanium.....	nil
Phosphorus .....	.009

Mines on Vrooman ridge, Fine. This locality is 4 miles northwest of Oswegatchie on the Carthage and Adirondack Railroad, in the town of Fine. Vrooman ridge is the first of the elevations bordering the Oswegatchie river valley on the south.

From a cursory examination of outcrops it appears that the ridge is mainly composed of reddish hornblende gneiss, with one or more included bands of dark pyritic schists and limestone which are doubtless altered sediments. The ore deposits are associated with the latter. They have been explored by shallow pits; apparently no active mining has been undertaken. So far as could be determined by surface observations, there are two parallel veins that strike about north and dip 50° or so to the west. On

the eastern vein, which seems to be the principal one, two pits have been sunk, 330 feet apart, to a depth of about 30 feet. The indicated width is from 8 to 12 feet. The hornblende schist forming the walls is streaked by limestone in which phlogopite, titanite and coccolite are abundantly distributed in small crystals. Hornblende and pyrite are mixed with the magnetite and much of the ore is lean. The two pits on the western vein indicate a width for the ore of 5 feet. According to a report rendered by Mr George D. Grannis, who superintended the exploratory operations, the deposits have been prospected to some extent by diamond drilling. One hole was put down on the north pit of the eastern vein to a depth of 85 feet, all in ore. A second boring was started 100 feet west of the pit for the purpose of intersecting the body at an angle and encountered two veins, one 4 feet and the other 10 feet wide separated by 4 feet of rock. These may represent the western vein above mentioned, here split by a horse of the wall rock. Another hole in line with the second but farther south showed the two veins to have a thickness of 4 feet and 6 feet respectively with 6 feet of rock between them. The following analyses have been copied from a report on the property made by Mr Spencer B. Newberry.

	1	2	3
Iron.....	71.12	61.46	62.02
Silica.....	.860	.....	6.36
Titanium.....	tr.	nil	.....
Sulfur.....	.005	.025	.03
Phosphorus.....	.049	.009	.024
Manganese.....	tr.	.....	.....
Lime.....	.051	.....	.....
Magnesia.....	tr.	.....	.....

Clifton Mines. The Clifton deposits are situated about 10 miles north of Benson Mines, in an unsettled forested district that is somewhat difficult of access. They were opened over 50 years ago but have not been worked recently. A charcoal furnace was built at Clarksboro by the falls of the Grasse river, 3 miles distant from the mines, and was run for some time on the ore. In 1868 the Clifton Mining Co., which then owned the property, erected a plant for manufacturing steel by a direct process, a venture that soon proved a failure. The mines were at one time connected with the Rome, Watertown & Ogdensburg Railroad near DeKalb Junction by a 20-mile wooden railway.

In approaching the mines from Oswegatchie, the highway after leaving the Oswegatchie river at Fine passes over a belt of hornblende and micaceous gneisses and schists that continues for a mile or more and is then succeeded by a red granitic gneiss with porphyritic feldspars. This rock prevails in most of the exposures as far as Monterey. Between that locality and the Clifton mines the granitic gneiss gives way to a belt of schists and limestones having a northeast-southwest trend parallel to their general strike. These are the predominant rocks in the vicinity of the ore bodies. They seem to have been somewhat broken and disturbed as they show sudden changes in dip; the inclination, however, in most cases is toward the southeast at angles of 15° to 45° .

The openings are located on the sides and summit of a hill rising 100 feet or a little more above the site of the steel works in the adjoining valley. The principal working is an open cut on the summit which exposes a vein 20 feet wide for a distance of about 500 feet. This is known as the Dodge vein. The immediate wall rock is a hornblende schist. Bands and fragments of the schist interleave the ore, and on the borders the two are intimately mixed. The hornblende gangue carrying the magnetite makes an exceedingly tough material. On the northeast side of the hill the vein has been tapped by an adit and in the walls crystalline limestone is exposed in what seems to be an included band about 5 feet thick. The southwest continuation of the vein has been explored by a shaft that follows the dip for 30 feet, showing about 20 feet of ore all the way. East of this deposit and higher up in the schists is the St Lawrence vein, 8 feet thick, that has been explored by open cutting and by an incline said to be 100 feet deep. The ore from it is very sulfurous, in places almost solid pyrite and pyrrhotite. A third vein is known to underlie the Dodge vein, but its width and character have not been determined.

The ore found in the different openings varies from a coarse and nearly pure magnetite to a fine grained mixture of disseminated magnetite and the minerals of the wall rock which are chiefly hornblende, biotite, garnet and quartz. Pyrite is less in evidence in the middle of the veins than on the borders. The ore was subjected to heap roasting before it was smelted to reduce the sulfur. The analyses that follow are quoted from a paper on the Clifton mines by Professor Silliman.¹

¹Am. Inst. Min. Eng. Trans. 1871-72. 1:364.

	1	2
Fe ₃ O ₄	79.29	80.91
SiO ₂	8.32	8.77
S.....	.35	.08
P ₂ O ₅.....	.32	.03
Al ₂ O ₃	3.45	.....
MnO.....	.35	.....
CaO.....	4.46	.....
MgO.....	3.09	.....
H ₂ O.....	.51	.....
	<hr/>	<hr/>
	100.14	.....
	<hr/>	<hr/>
Iron.....	57.42	58.59
Phosphorus.....	.14	.01

The analyses were made from crude ore, but the quantity of sulfur shown is rather low for the run of mine, specially in the second sample which also contains very little phosphorus. It is of interest in this connection to quote Professor Silliman's analyses of the pig iron made from the Clifton ores in the old Clarksboro furnace. The ore was fluxed with an impure limestone containing a considerable proportion of silica.

	Open grain gray pig	Close grain gray pig
Carbon.....	3.94	3.30
Silicon.....	2.21	4.48
Manganese.....	.11	.12
Sulfur.....	.04	.11
Phosphorus.....	.22	.15
Iron and undet.....	93.48	91.84
	<hr/>	<hr/>
	100.00	100.00

In the same vicinity occur two other deposits that were found by the early prospectors and were known as the Tooley Lake and Sheridan veins. They outcrop in a swampy tract, 7 and 2½ miles distant respectively from the Clifton mines. The localities were not visited by the writer. In character the ores are similar to those just described, as shown by the following analyses, no. 1 being from a sample of the Tooley Lake vein and no. 2 of the Sheridan vein.

	¹	²
Iron.....	54.32	57.81
Silica.....	13.34	8.55
Sulfur.....	.08	.41
Phosphorus.....	.01	tr.
Manganese.....	.29	.50

Parish ore body. This deposit is 8 miles east of Monterey, on Tracy pond outlet, Clifton township. Its outcrop has been uncovered by trenching for a short distance, but it has not been explored in depth. The width shown is about 8 feet. The deposit appears to have a steep dip so that the actual width is probably near the figure given. The wall rock is fine grained grayish gneiss, while nearby reddish granitic gneiss is exposed, and within a mile distant an area of crystalline limestone and sedimentary schists. The magnetite is mixed with the minerals of the gray gneiss and with red garnet, yet is fairly rich. It has a coarse granular texture. It contains no pyrite so far as observed. It is reported that a line of magnetic attraction can be traced for 800 feet north and south of the tract along the course of the vein. The analysis below is from a sample of the ore.

Iron.....	50.3
Phosphorus.....	.58

SALISBURY MINE, HERKIMER COUNTY

This mine is in the town of Salisbury, 5 miles north of Dolgeville, the present terminus of the branch railroad running north from Little Falls. It is the only magnetite mine in this section of the Adirondacks that has been actively worked.

The deposit apparently was discovered about 1840. Vanuxem who has given a brief description of it states that a small amount of ore had been taken out at the time of making his report.¹ It is probable that the old pits located along the outcrop of the ore body date from this period. The quantity of ore mined during the early operations is not a matter of record though the size of the openings leads one to infer that it did not exceed a few thousand tons.

Geological relations. The locality lies within the Little Falls topographic sheet, the geology of which has been mapped and described by H. P. Cushing.²

¹Fourth Annual Report of the Geological Survey of the Third District, 1840.

²Geology of the Vicinity of Little Falls. N. Y. State Mus. Bul. 77. 1905.

The immediate area about the mine is occupied by the Adirondack Precambrics. These rocks extend southward as a belt of gradually diminishing width to within 4 miles of Little Falls, passing at the borders beneath the Lower Siluric strata (Beekmantown, Trenton and Lorraine) which spread over the region to the south. There is a large outlier of Precambric syenite at Little Falls and smaller ones of the same rock at Middleville, northwest of Little Falls, and at a point about half way between the latter locality and the southern end of the main area. The contact between the Precambric and Paleozoic strata on the east side of the belt is marked by a heavy fault which begins south of the Mohawk river and runs northeast passing about 2 miles east of the mine.

The principal representative of the Precambric rocks is syenite, a greenish augite-bearing variety that is identical mineralogically with the great syenite masses in the central Adirondacks. It has a gneissoid appearance in most cases and shows strong crushing effects in the granulation of the feldspar. Occasionally uncrushed remnants of feldspar may be observed surrounded by granular material, like an augen gneiss. The syenite is exposed over most of the area north of Salisbury Center.

The Grenville series of gneisses and schists form the southern extension of the Precambric belt south of Salisbury Center and is exposed north of the mine in two areas which are bordered by the syenite. It consists of light colored quartzose gneisses interbanded with darker hornblendic or micaceous varieties. Crystalline limestone, usually a prominent member of the series, apparently has a very limited development within the area; the only outcrop that has been recorded is one observed by the writer at a point a little north of Salisbury Center. The gneisses are believed by Cushing to represent original sandstones and shales.

A reddish gneiss comprised mainly of quartz and alkali feldspar occurs at a few places in association with the syenite and rocks of the Grenville series. Its field relations as well as its composition suggest an original granite that is probably intrusive in the sedimentary gneisses. Cushing mentions also the occurrence of black gneisses, containing hornblende and biotite and occasionally pyroxene, and gray gneisses of granitic composition which are regarded as igneous derivatives.

Ore bodies. The deposit which has been principally worked extends nearly east and west along the highway $2\frac{1}{2}$ miles north of Salisbury Center. It consists of an elongated zone made up of magnetite in one or more bands intercalated between layers of

magnetite-bearing rock. The thickness of the zone as shown in the workings ranges up to an extreme of 12 or 14 feet in width. The bands of rich ore vary from mere films to 2 or 3 feet. The ore body can be traced along the strike by outcrop and dip-needle readings for fully a mile.

A second smaller body occurs about a mile south of the first. It has been opened by a short adit at one point. The strike is parallel with the main deposit, but the dip is toward the north at a low angle, while the latter has a high dip southward. An area of **granitic gneiss intervenes** between the two deposits.

The wall rock at both localities is gneissoid syenite. Of the ore association, Cushing¹ has given the following account:

Inclosing the ore and grading into it, is a very basic gneiss composed of hornblende, magnetite, augite, feldspar and quartz, the black minerals constituting 75 per cent of the rock. Hornblende is much the most abundant of these. About equal amounts of quartz and feldspar are present, the feldspar being part oligoclase and part orthoclase.

So far as can be judged from specimens obtained from the dumps, this gneiss grades rapidly into a more feldspathic hornblende gneiss, and the latter into syenite gneiss, at first basic but rapidly becoming more acid.

The gradation between ore and country rock is very noticeable; no well defined walls exist, but there is a shading off by imperceptible stages from one to the other.

The workings. The mining developments which have been carried on during the last two or three years by the Salisbury Steel & Iron Co. have been concentrated on the western portion of the deposit in proximity to the old pits. A vertical shaft has been sunk a short distance north of the main pit. It has been carried down about 200 feet. At a depth of 100 feet a drift has been extended easterly along the body, while a second level with drifts to the east and west has been opened at 150 feet. The workings are about 14 feet wide near the shaft on the second level, diminishing to 3 or 4 feet at either end.

Some prospecting has been done at points east of the shaft, the farthest being about 4000 feet away. The deposit appears to be much thinner in this part.

Character of the ore. The ore consists of granular and massive magnetite, the former being a mixture of magnetite and the minerals of the wall rock and the latter a nearly pure magnetite of very dense

¹*Op. cit.* p. 91.

structure. The granular ore has a fine texture; the particles of magnetite are intimately intermingled with pyroxene, hornblende, quartz and feldspar. Veinlets of jasper and white quartz are quite common. Pyrite occurs in noticeable quantity on the east end of the zone, but is not much in evidence elsewhere. When examined under the microscope, sections of the rich ore show inclusions of augite, quartz and apatite, but the proportion of these minerals to the whole mass is small and the material would be classed as shipping grade. The lean ore would require concentration. An analysis furnished by the Salisbury Steel & Iron Co. shows the following composition:

Fe ₃ O ₄	86.99
SiO ₂	6.39
S.....	.034
P ₂ O ₅	1.36
Al ₂ O ₃	1.14
MnO.....	.46
CaO.....	2.83
Mg O.....	.65
	<hr/>
	99.854
	<hr/> <hr/>
Iron.....	62.99
Phosphorus.....	.52

Part III

TITANIFEROUS MAGNETITES

Under this class are included the magnetic ores of the Adirondacks that carry titanium as an essential ingredient. While the percentage of this element fluctuates within rather wide limits as shown by analysis of specimens taken from different localities, the minimum is always above the proportions encountered in the magnetites previously described. In the general run it amounts to at least 8 or 9 per cent (as TiO_2) and will average perhaps 15 per cent in the majority of the deposits. It is due solely to the titanium content that the ores have not been more actively exploited. Except for the early work at Lake Sanford, of which further mention is made on a subsequent page of this report, there has been no active mining of the deposits in the region, and till recently little interest has been shown generally in the matter of commercial utilization of titaniferous ores.

The Adirondack region is a familiar one in the literature relating to these ores. The descriptions of Emmons¹ who was the first to draw attention to the large ore bodies of Lake Sanford, the metallurgical experiments of Rossi² in connection with the same bodies, and more recently the detailed accounts by Kemp³ covering practically the entire series of occurrences may be specially noted. The investigation of the geological features of the Adirondack ores has been carried out by Professor Kemp in a manner that leaves little to be added, and his descriptions and conclusions have been closely followed in the present work.

Distribution of the ores

The distribution of the titaniferous magnetites is conditioned primarily by the occurrence of the gabbro-anorthosite intrusions. As has been previously noted, the principal area of these rocks is

¹ Survey of the Second Geological District, 1842.

² Titaniferous Ores in the Blast Furnace. Am. Inst. Min. Eng. Trans. 1892-93. 21:832. Also article in the Iron Age, Feb. 6 and 20, 1896.

³ Preliminary Report on the Geology of Essex County. N. Y. State Mus. 49th An. Rep't. v. 2. 1898. The Geology of Moriah and Westport Townships. N. Y. State Mus. Bul. 14. 1895. The paper "Titaniferous Ores of the Adirondacks," published in U. S. Geol. Sur. 19th An. Rep't. pt III. 1899, contains much additional matter relating to the origin and chemical nature of the ores.

in Essex and southern Franklin counties and consists of a connected mass which spreads over a surface of some 1200 square miles. There are smaller outlying intrusions in Clinton and Warren counties and in the western Adirondack region. The greater number of deposits are found within the bordering portions of the main anorthosite area in the townships of Westport, Elizabethtown and Newcomb, Essex co. In the central part no large bodies are known. A deposit near Port Leyden, Lewis co., is the only occurrence outside of the main area that has been the object of exploitation.

General geological relations and origin of the deposits

The titaniferous deposits constitute a well marked type of ore occurrence that is quite widely distributed in this and foreign countries. They are known to be of considerable extent in Minnesota, Wyoming and Colorado, in the Provinces of Ontario and Quebec, and in Sweden, Norway and Brazil. The Taberg deposit in Sweden was mined for a number of years and the ore used for the manufacture of iron. The various localities for titaniferous magnetites have been described briefly in a paper by Professor Kemp.¹ The occurrences throughout show a remarkable degree of uniformity in the essential features of their geological surroundings and composition of the ores.

With a single exception the country rocks of the Adirondack deposits, as is generally the case elsewhere, are members of the gabbro family. The prevailing rock in the Adirondack region is the variety known as anorthosite, the predominant constituent of which is a basic plagioclase feldspar, usually labradorite. The rock is the first of a series of related intrusions in the region that were derived apparently from a common magma. Gabbro in the restricted sense, syenite and probably granite are represented among the later intrusions derived from the same source. Most of the deposits are found within dikes and masses of gabbro which occur at intervals throughout the anorthosite area. Some of the large bodies at Lake Sanford, however, are inclosed directly by the anorthosite.

The general characters of the gabbros and anorthosites have already been set forth in the part of this report relating to Adirondack geology. The following analyses taken from Professor Kemp's paper give details as to the chemical composition of typ-

¹A Brief Review of the Titaniferous Magnetites. Columbia Univ. Sch. of Mines Quarterly, July 1899.

ical examples. No. 1 relates to the gabbro at the Split Rock mine; No. 2 to gabbro at Lincoln pond; and No. 3 to anorthosite from Mt Marcy.

	1	2	3
SiO ₂	47.88	44.77	54.47
TiO ₂	1.20	5.26	.....
Cr ₂ O ₃	tr.	.....	.....
Al ₂ O ₃	18.90	12.46	26.45
Fe ₂ O ₃	1.39	4.63	1.30
FeO.....	10.45	12.99	.67
NiO.CoO.....	.02	tr.	.....
MnO.....	.16	.17	.....
CaO.....	8.36	10.20	10.80
SrO.....	tr.	.....	.....
BaO.....	tr.	.....	.....
MgO.....	7.10	5.34	.69
K ₂ O .....	.81	.95	.92
Na ₂ O	2.75	2.47	4.37
Li ₂ O.....	tr.	.....	.....
H ₂ O.....	.61	.60	.53
P ₂ O ₅ .....	.20	.28	.....
V ₂ O ₅	tr.	.....	.....
CO ₂.....	.12	.37	.....
S.....	.07	.26	.....
	100.02	100.75	100.20

The Port Leyden ore body on the west side of the Adirondacks seems to be an anomaly among the titaniferous occurrences. The wall rock is not a basic variety belonging to the gabbro-anorthosite family, but a quartz gneiss with potash feldspars and a small quantity of ferromagnesian minerals. Yet it is not unlikely that the deposits may represent only an aberrant type of the ordinary occurrences. If the country rock is igneous, as is believed, it probably belongs to the general series of intrusives that originated from a common parent mass. The ultimate source of the iron minerals may thus have been the same as those of the gabbros.

In the relations they bear to the inclosing rocks, the ores are sharply differentiated from those of the nontitaniferous class which occur in the sedimentary gneisses and schists. They are themselves only a phase or development of the igneous magma from which the walls have been derived—that is they are rocks

differing in composition but of the same genesis as the anorthosite and gabbro. The magnetite and ilmenite of which they are aggregates exist in the country rocks as accessory constituents. A concentration that took place probably during the cooling of the magma effected the segregation of the heavy minerals into compact masses forming ore bodies of variable size and richness. This view of the relation of the Adirondack ores has been clearly brought out by Professor Kemp¹ in the following terms:

In the preceding pages the point of view has been consistently maintained that the ore bodies are integral portions of the igneous rocks in which they occur and are merely local enrichments of the mass with unusual amounts of one of its normal constituent minerals. This has not been done with the purpose of advocating one conception of the relations of the ore and wall rock to the exclusion of others, but because the observed phenomena admit of no other reasonable interpretation. There is no evidence of the replacement of preexisting material by an entering foreign substance, nor of faults and vein formation, nor of crushed zones different from the neighboring walls; nor are the ores at the contacts of intrusions with country rock. On the contrary, the masses of ore, of irregular shape, are far within the intrusions, and especially in the gabbros they vary from rich titaniferous iron oxide, through leaner and leaner examples, until normal gabbro is reached. No minerals or elements occur in notable amounts in the ores which are not characteristic components of the wall rock. The difference between ore and rock is one of degree and not of kind. At Calamity brook the ore itself forms a series of dikes in country rock of a different kind.

The causes acting to produce such a concentration or magmatic differentiation are little understood. Gravity, convection currents, magnetism, and diffusion consequent upon variation in the rate of cooling are some of the agencies that have been appealed to by the leading investigators to account for the accumulation of the deposits.

It is of interest to note that the igneous theory of derivation for these ores which has come into prominence in recent years and is now generally accepted by geologists the world over, was foreshadowed by Professor Emmons in his report on the Adirondack region for 1842. The ore occurrences at Lake Sanford were designated by him as "masses," to distinguish them from the "veins" or tabular bodies occurring in the gneisses, and they are described as of contemporaneous origin with the inclosing rocks which he recognized to be igneous.

¹ Titaniferous Iron Ores of the Adirondacks, p. 417.

Shape of the ore bodies

The form assumed by the ore bodies is not always apparent from the field evidence. It is only the smaller ones as a rule that are well exposed in outcrop. The large bodies have nowhere been uncovered or explored sufficiently to afford an idea as to their precise outlines. The smaller bodies, with a few exceptions found at Lake Sanford, occur in gabbro which generally appears in dikes cutting the anorthosite, and partake of the usual tabular form with the longer axis parallel to the strike of the dikes. They show gradation at the edges into the normal gabbro and their materials have no doubt come up with it from a common reservoir below. As to the deposits inclosed by the anorthosite, it is not conclusive whether the ores have separated in place from the surrounding rock, or whether they represent later concentrations in the interior that have been intruded into the anorthosite after its partial solidification. In the former case we should expect the bodies to be quite irregular, with no well defined walls, and to shade off at the borders with a gradual increase in the proportions of gangue material or rock. From the evidence at hand, the large bodies like the Lake Sanford would appear to be allied rather to that type than to the dike form.

Mineralogy of the magnetites

The titaniferous ores of the Adirondacks are essentially aggregates of magnetite and ilmenite. The richest ores contain little else than these minerals and show on analysis 60 per cent or slightly more of iron, the maximum percentage being somewhat below that of the high-grade nontitaniferous magnetites. From such pure aggregates there may be traced a continuous series of gradations, by the entering of gangue minerals in greater and greater proportions, to the limiting wall rocks which hold only subordinate amounts of magnetite and ilmenite.

The relations of the two iron minerals have received, hitherto, little attention. The presence of ilmenite has been inferred from the results of chemical analyses; its identification by the usual optical methods of petrography is difficult owing to its opacity and similarity of appearance to the magnetite with which it is intimately associated.

Ilmenite is not uniform in its composition and its chemical nature has been the source of considerable perplexity to mineralogists. The view that it is a metatitanate Fe TiO_3 has the support

of the most recent investigations; the work of Penfield and Foote¹ affords in fact quite convincing evidence of its validity. According to that formula it contains theoretically FeO, 46.75 per cent and TiO₂, 53.25 per cent. There is always some Fe₂O₃ present and usually more or less MgO. The latter replaces the FeO, while the former substitutes probably for the ilmenite molecule, since the close similarity in the structure and crystal form of hematite and ilmenite indicates that they are practically isomorphous. A general formula for ilmenite, accordingly, is $\text{Fe TiO}_3 \cdot n \text{Fe}_2\text{O}_3$.

The fact that the titaniferous ores are not homogeneous aggregates is sometimes apparent from a macroscopic examination. The magnetite may be recognized by its parting planes parallel to the octahedron, the grains always breaking with smooth surfaces. It is the most abundant constituent as a rule. In the intervals between the grains are particles of brighter metallic luster that show rough fracture. These are only slightly attracted by the magnet and when isolated prove to be ilmenite.

To bring out the physical relations of the minerals the method of preparing polished surfaces and etching with acid can be used to good advantage.² Some results obtained with Adirondack ores are shown herewith [pl. 14]. The photographs were taken directly with a camera in ordinary light, as the texture of the ores is sufficiently coarse to be revealed without the use of the microscope. It will be seen that there is a good contrast between the magnetite and ilmenite, the former being dulled and pitted by the solvent action of the acid, while the latter retains the brilliancy imparted to it by polishing unimpaired. From the etched surfaces a fairly close estimate of the richness of the ore may be formed by comparing the relative areas occupied by the ore and gangue minerals, though the latter do not appear distinctly in the photograph.

In the specimens that have been examined the magnetite and ilmenite are distinguishable without difficulty. There is a clear separation of the particles and no notable tendency toward intergrowth or inclusion on the part of either. The boundaries are sharp. Both minerals belong to the same order of crystallization, though the ilmenite seems to have begun to form somewhat earlier than

¹ Note Concerning the Composition of Ilmenite. Am. Jour. Sci. 154. ser. 4. 1897. p. 108.

² Pieces of the ore an inch or so in diameter are cut with a diamond saw or ground down to a comparatively smooth surface on a wheel such as is used for preparing rock sections. The surfaces are then polished with fine emery, finishing off with putty powder on cloth. The etching is performed by submersion in a 20 per cent HCl solution for half an hour.

the magnetite. The latter being commonly in excess constitutes the ground mass through which the ilmenite is more or less regularly distributed in grains of fairly even size.

A partial separation of the magnetite and ilmenite was obtained with the ore from the Sanford pit at Lake Sanford. A sample was crushed through a 40 mesh sieve and the magnetite removed with a small hand magnet. The results from chemical analysis of the crude ore (1), magnetite concentrate (2) and the ilmenite and other residual minerals (3) are given herewith. The analyses were made by E. W. Morley.

	1	2	3
Fe ₂ O ₃	55.9	54.39	14.28
FeO	27.5	28.66	30.93
TiO ₂	14	8.93	45.23

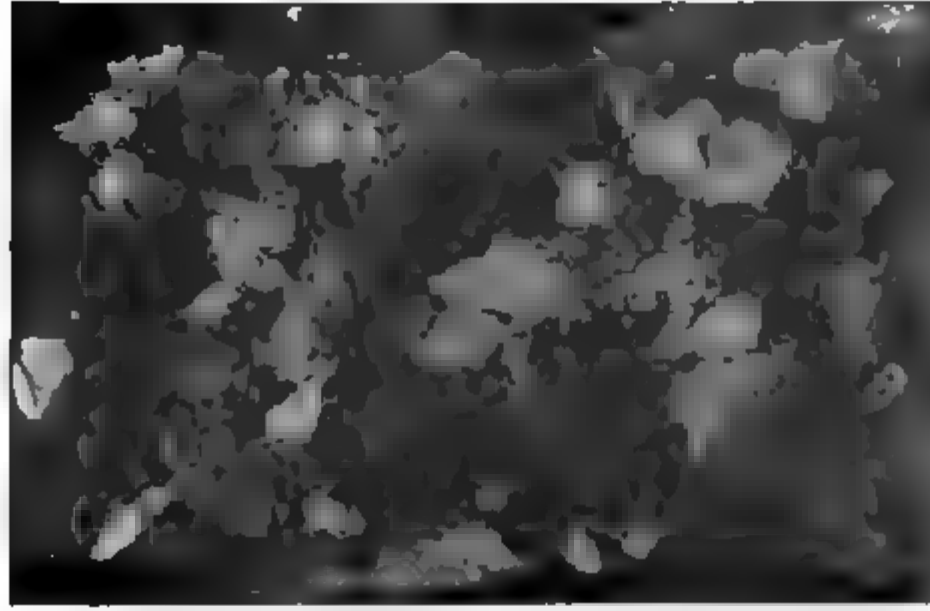
It will be observed that the magnetite concentrate still contains a considerable proportion of titanium, mostly due, no doubt, to the inclusion of particles of mixed character. By crushing still finer a cleaner separation may be made, as has been demonstrated for the same ore in recent experiments that are described on a subsequent page. The analyses are not reducible to simple terms of magnetite and ilmenite, and further work is needed before the chemical relations can be fully stated. It is quite likely that the magnetite itself carries a proportion of the titanium, in which case the entire removal of the latter would be impossible.

The remaining minerals found in the titaniferous ores include plagioclase, pyroxene, hornblende, biotite, olivine, garnet, pyrite, apatite, spinel and quartz. The plagioclase is usually labradorite or an allied variety. Both orthorhombic and monocline pyroxenes are represented. Olivine is rather rare in the Adirondack ores so far as observed. Pyrite is a fluctuating constituent, more abundant in the ores that are included by gabbro than in those found within anorthosite. Spinel has not been certainly identified, but its presence is strongly indicated by the analyses which show an excess of Al₂O₃ over the amounts required for the silicates. The analyses of concentrates on page 154 are suggestive also in that connection. Apatite is present in minute quantities only, and the ores are consequently low in phosphorus.

The order of crystallization of the minerals revealed by study of the etched surfaces is as follows: 1, silicates; 2, pyrite; 3, ilmenite and magnetite.

The order is thus the reverse of the normal one for igneous rocks in which the silicates predominate over the iron ores. The expla-

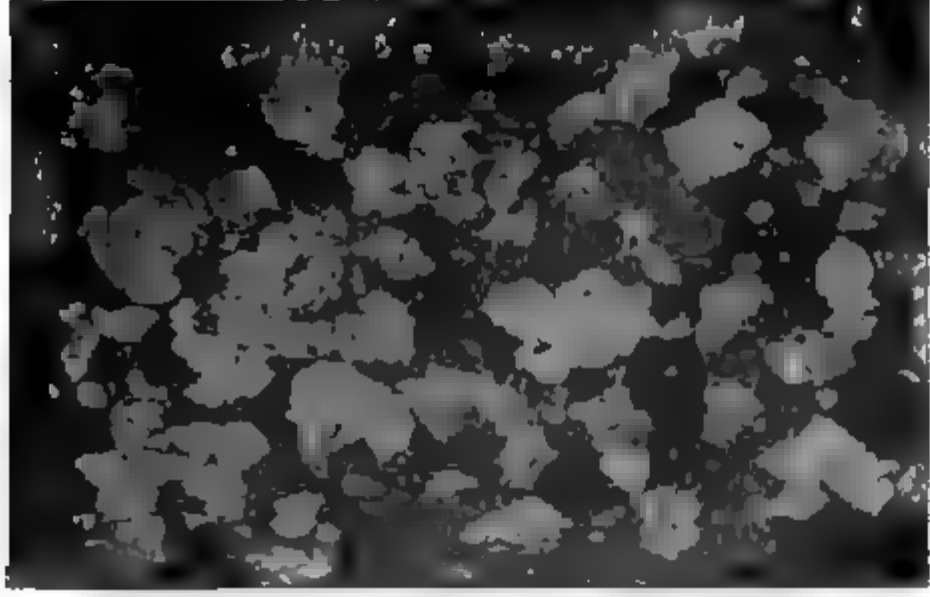
Plate 14



1

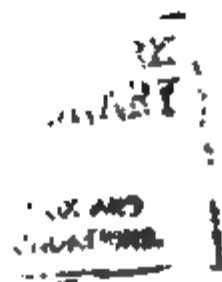


2



3

Etched surfaces of titaniferous ore. 1 Ore from Lake Sanford pit. 2 Same. 3 Ore from Moose Mountain. Dark grains mostly magnetite with some pyrite and silicates; light particles are ilmenite



nation for this may be found possibly in the introduction of the magnetite and ilmenite after the congealing of the walls, the silicates representing material that was caught up during the progress of the iron magma toward the surface.

Commercial utilization of the titaniferous ores

The use of ores containing high percentages of titanium is generally regarded as impracticable under present furnace practice. They have been smelted, however, on a small scale in England and Sweden, as well as in the Adirondacks, under conditions approaching those of today, but the operations were short-lived and probably financially unsuccessful. It has been frequently suggested that the difficulties they present in the blast furnace might be overcome by adopting some changes either of furnace construction or of metallurgical process, but there has been, in the past, very little incentive to a practical investigation of the subject. The experiments by Rossi carried out in 1892 comprise about all that has been done along that line since the early work above mentioned.

The objection to the use of titaniferous ores in the blast furnace is based upon the infusibility of their slags. They yield a good quality of iron which contains only a slight trace of titanium. This element enters mostly into the slag, and with the employment of fluxes in ordinary proportions forms a viscous mass that adheres to the furnace walls and can not be readily withdrawn, while accumulations of the infusible nitro-cyanide of titanium also complicate the operation. Rossi sought to overcome the difficulty by proportioning the fluxes (quartz and limestone) so as to obtain compounds, mainly multiple-titanates, into which the titanium entered as a chemical constituent approximating the structure of the more fusible known titanates. By working with a small laboratory furnace, ores running as high as 20 per cent TiO_2 were reduced, with a production of pig iron and a fluid of slag. The experiments have not been repeated, so far as known, on a commercial scale.

It is not unlikely that a solution of the problem of dealing with the ores may be found by reducing the amount of titanium before entering the furnace. The small amount of the element found in most Adirondack magnetites now mined seems to have no noteworthy influence upon the smelting process. Furnaces have been run upon ores containing two or three per cent of titanium without serious trouble, and under special circumstances even larger percentages have been handled. There would thus seem to be some room for adjusting the difficulty, either by mixing the *with others that are nontitaniferous* or by concentration.

The Lake Sanford ores carry about 15 per cent TiO_2 on the average. They are probably the most regular in titanium content and highest in iron of the Adirondack ores. By employing them in mixture in the proportions of say 1 to 2 or 1 to 3, the titanium of the ore charge could be brought down to three per cent or less. Their low phosphorus and sulfur would make them specially valuable for that purpose.

Another feature which may promote the use of the ores from that locality is their amenability to concentration, whereby the titanium can be reduced by at least a third of the total, or to less than 6 per cent probably as maximum limit. To the courtesy of F. E. Bachman, General Manager of the Northern Iron Co., the writer is indebted for information concerning an experimental run made upon Lake Sanford ores at the Mineville magnetic concentrating plant within the past year. A 40 ton sample was passed through one of the mills and the concentrates showed the following percentages: Fe, 60.60 per cent; TiO_2 , 9.66 per cent (equivalent to 5.8 per cent Ti). The tailings from the treatment gave: Fe, 42.84 per cent; TiO_2 , 32.22 per cent. A sample of the concentrates recrushed so as to pass through a 16 mesh screen and reconcentrated by hand showed the following percentages on analysis:

Fe.....	63
SiO_2	1.08
TiO_2	5.25
Al_2O_3	5.65

Another sample was crushed through a 40 mesh screen and subjected to separation under water with a hand magnet. Analyses of the concentrates are given below: No. 1 is by A. S. McCreath & Son, and No. 2 by P. W. Shimer.

	1	2
Fe.....	65.35	64.60
Mn.....	.186	.....
SiO_2.....	.14	.....
TiO_2	5.32	6.40
Al_2O_3	2.76	2.50
CaO.....	.05	.....
MgO.....	.76	.....
P.....	.012	.0045
S.....	.041	.....

While it would scarcely be practicable, perhaps, to crush the ore to a size that would permit a reduction of the titanium to the

limits indicated in the last analyses, there would appear to be no difficulty in the way of preparing concentrates with an average of 8 or 10 per cent TiO_2 . The loss of iron in the tailings is the only drawback to concentration, but in the case of immense deposits like those at Lake Sanford which can be worked very cheaply this could hardly be critical.

The electric furnace has been suggested for titaniferous ores, yet the expense of making iron by this method must operate against its extended use so long as coke is available at anything like present prices. The open-hearth method of steel manufacture seems to offer a field that is worthy of investigation. Crude ores are employed now quite largely in the process instead of scrap metal. From what can be learned it appears that the use of titaniferous ores for that purpose has not been experimented with to any extent.

LAKE SANFORD DEPOSITS

This group of ore bodies, undoubtedly the most important of the kind in the Adirondacks, is situated in Newcomb township, western Essex county, on the slope of the rugged mountain complex that has Mt Marcy as its central and culminating point. Lake Sanford is the largest of several lakes in the vicinity which form the head waters of the Hudson. The site of the former Adirondack village (now occupied by the Tahawus Club) which was built by the early iron workers, lies in the midst of a wild, heavily forested region, shut in by high elevations on all sides except the south where the river has worn a narrow valley. North Creek, the terminus of the Adirondack branch of the Delaware & Hudson Railroad is about 30 miles distant by wagon road, and Port Henry on Lake Champlain about 50 miles. The ore bodies outcrop at elevations ranging from 1800 to about 2100 feet above sea level. Their distribution is indicated on the accompanying map which reproduces a part of the Santanoni quadrangle of the United States Geological Survey [pl. 15]. The scale of the map is 1 mile to the inch.

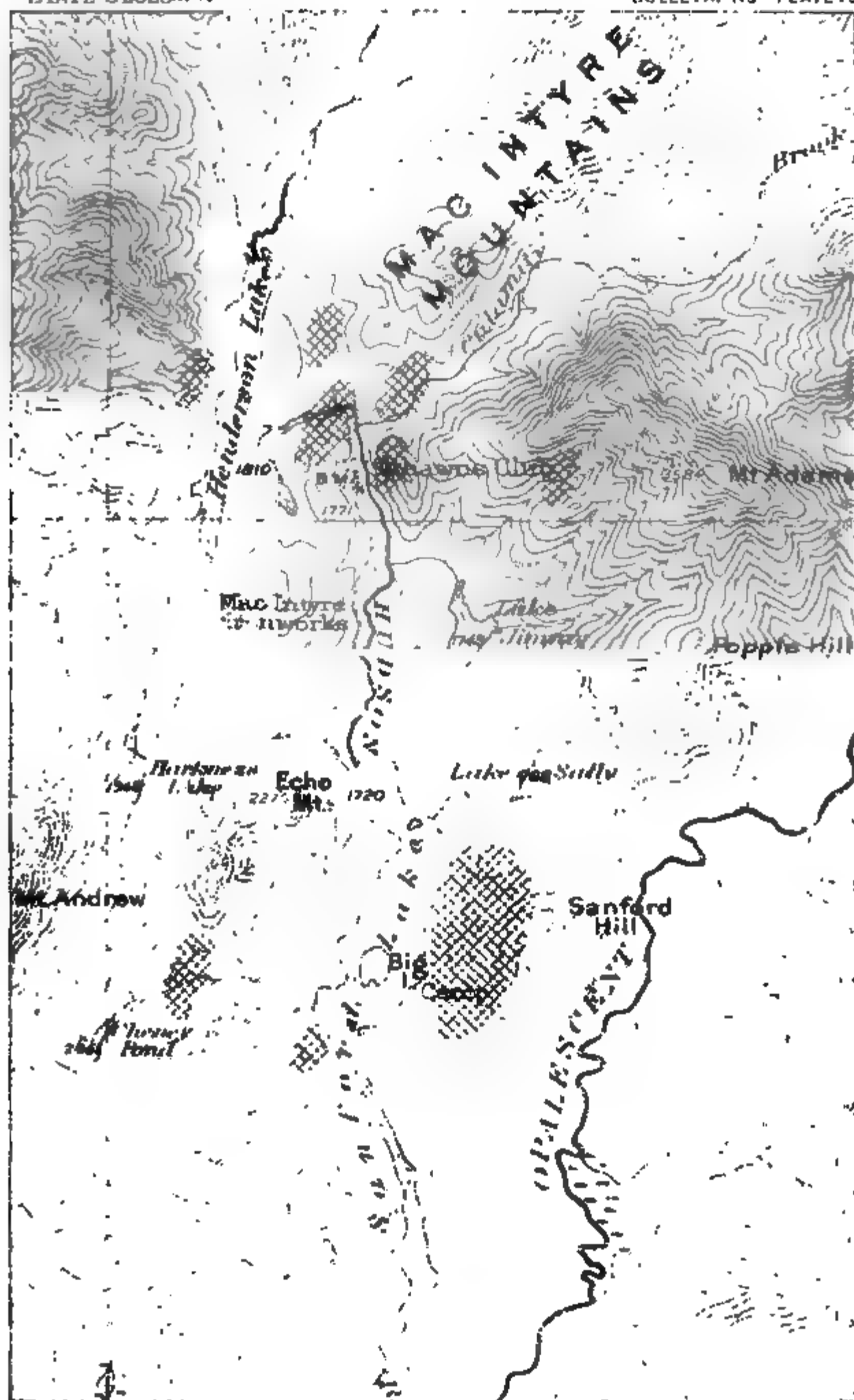
Unusual interest attaches to the events connected with the first development of the Lake Sanford deposits and the establishment of the local iron-making enterprise to utilize the ores.¹ Following

¹A good historical account of the discovery and exploitation of the deposits will be found in Watson's "History of Essex County." The reports by Emmons contain a description of developments up to 1840. For details as to the blast furnaces and metallurgical operations consult Rossi, "Titaniferous Ores in the Blast Furnace." Am. Inst. Min. Eng. Trans. v. XXI. 1892-93.

the discovery, which is reported to have been made in 1826, a tract of land comprising the deposits was secured from the State by Mr A. McIntyre and associates who soon after began active work. The investigations of Professor Emmons in connection with the Geological Survey of New York then in progress no doubt gave a stimulus to the undertaking. Professor Emmons published in his reports an extended account of the ore bodies which he recognized to be of enormous size and regarded as eminently adapted to utilization. He recommended the location of iron-manufacturing enterprises in the vicinity. Soon after the publication of his first report, or about 1840, a blast furnace of three or four tons daily capacity was built and placed in operation. This was afterward remodelled so as to enlarge its capacity, and a second furnace of 12 to 15 tons was put in blast in 1854. Drawings of the large stack which remains to the present day with all its essential features have been made by Mr Rossi and published in the article already referred to. The installation included also puddling furnaces and the necessary equipment for making bar iron. The works were closed down in 1856, after which they were not again operated for any length of time. The product of the furnaces was hauled over a difficult mountain road to Crown Point for shipment, and the expense of transportation must have been a heavy tax upon the enterprise.

There seems to be little doubt, judging from all accounts, that the iron turned out in the early days was of good quality; in fact it was specially commended by Emmons and others; nor does it appear that the sudden termination of iron making was due to metallurgical difficulties in reducing the ore, though it is probable that the operators, at least in the early years, were unaware of the titaniferous character of the material. From considerations based on an analysis of slag which was taken from the dump near the old furnace, Mr Rossi has expressed the opinion that the furnace charges were made up on somewhat different lines than usually practised, in that a proportion of the country rock (anorthosite) was added to the limestone for flux. It may be noted, however, that the crude ore, such as was employed in the operations, contains more or less of admixed rock, so that the presence of the latter may have been accidental rather than intentional.

After lying idle for 50 years the property was taken over in 1907 by a new organization, the Tahawus Iron Ore Co., with a view to the exploitation of the ores. This company has conducted a thorough investigation and intends to enter upon active mining in the near future. The construction of a railroad is a requisite before commercial shipments can be made.



PART OF SAN JUAN VALLEY

MAP OF THE VICINITY OF LAKE SANFORD

The bodies are indicated by cross-hatching

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TILDEN FOUNDATIONS.

Geology. The district lies within the main anorthosite area, but not far from its western bounds. As delimited in the preliminary survey of J. F. Kemp,¹ the gneiss series occupies approximately the western half of Newcomb township, the line of contact with the anorthosite which extends over the eastern half trending somewhat west of north. It is not easy to fix accurately the limits of the formations owing to the drift which chokes the valleys and reaches well up the slopes of the ridges. Anorthosite has been found by the writer to outcrop on Santanoni mountain, about 5 miles directly west of Lakes Sanford and Henderson, so that it probably continues in unbroken mass that far. The gneiss series first appears on the shores of Newcomb lake and in the east-west valley occupied by Rich and Harris lakes, whence it stretches westward as far as the confines of the Adirondacks.

The gneiss series bordering the anorthosite has been subjected only to a cursory examination. Apparently it consists of a complex in which both sedimentary and igneous types are represented. The former have particularly strong development around Newcomb, where there is one of the largest Grenville exposures in the interior of the Adirondacks. They comprise the usual rusty micaceous and hornblendic gneisses and schists, with interfolded belts of crystalline limestone carrying graphite and other characteristic minerals. A limestone ledge on the east side of Newcomb lake was a source of flux for the early furnace operations. Professor Cushing in his recent mapping of the geology of the Long Lake quadrangle has noted the presence of extensive masses of syenite and granitic gneisses, and it is not unlikely that upon further investigation they will be found to constitute an important part of the area farther east along with the Grenville formation. The region about the mines is included in the Santanoni quadrangle which adjoins the Long Lake sheet on the east.

The principal interest in connection with the iron ores is attached, of course, to the anorthosite. Where exposed near the mines this is generally a very typical variety of the rock as developed in the Adirondack region. It consists essentially of labradorite in grayish or bluish black crystals, that occasionally exhibit a play of colors on cleavage surfaces. The crystals are generally large, up to 3 or 4 inches in length, and are closely interwoven with a coarsely granitic texture. While as a rule the feldspar constitutes practically the only mineral observable in hand speci-

¹Preliminary Report on the Geology of Essex County. N. Y. State Mus. 49th An. Rep't. 1898. 2:604.

mens, the microscope reveals the presence of augite and hypersthene in small amounts and usually some magnetite or ilmenite. In portions of the mass that show effects of crushing in the breaking down or mashing of the feldspar, there is found a development of secondary minerals such as garnet, biotite and calcite. The garnet has a tendency to form aggregates about the magnetite, which owing to their red color stand out plainly from their surroundings. The mineral has drawn upon the magnetite for the iron and the feldspar for the lime and silica necessary to its growth. Biotite is not so common as the garnet with which it is closely associated and no doubt genetically related. The following analysis, quoted from a paper by Prof. Albert R. Leeds, will serve to show the chemical character of the anorthosite. The sample from which it was made was taken from the summit of Mt Marcy.

SiO ₂	54.47
Al ₂ O ₃	26.45
Fe ₂ O ₃	1.3
FeO.....	.66
CaO.....	10.80
MgO.....	.69
K ₂ O.....	.92
Na ₂ O.....	4.37
H ₂ O.....	.53
	<hr/>
	100.19

In places the typical anorthosite, as above described, gives way to a much finer grained rock in which the pyroxene minerals are more prominent, showing a transition to gabbro. With this mineralogic change the feldspar individuals decrease in size and number and the color becomes greenish. Such phases are apt to have a gneissoid texture as they are less resistant to metamorphic influences than the anorthosite, a feature that is illustrated as well by the development of hornblende in the place of the pyroxene minerals and of abundant garnet. They are undoubtedly a differential product of the anorthosite, but it is not always clear whether the gabbro has separated in place or has come up through the anorthosite in the form of dikes.

Ore bodies. Ore is found in both the anorthosite and the gabbro. The anorthosite is the commoner wall rock and the ore bodies which it incloses have perhaps the greater possibilities for commercial utilization, due to their uniform character and higher average of

Plate 16



Blast furnace at Lake Sanford, once used on the titaniferous magnetites.
Built in 1853

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TILDEN FOUNDATIONS.

iron. They are also coarser grained as a rule than the ores in the gabbro.

The deposits outcrop on both sides of the narrow valley occupied by Lakes Sanford and Henderson and their outlet which is one of the head-streams of the Hudson river. The valley bottom lies at an elevation of from 1700 to 1800 feet. The situation of the more important ore bodies is shown on the map reproduced from a section of the Santanoni quadrangle [pl. 15]. The outlines of the bodies as sketched are to be considered as approximations only, since they have not been fully proved. It will be observed that the deposits are grouped along a north-south belt about 2 miles wide and 4 or 5 miles long.

On the south end are the Sanford and Cheney ore bodies situated on the east and west sides respectively of Lake Sanford. The Sanford is perhaps the most important of the whole group. It lies between the crest of Sanford hill and the lake shore, occupying in its widest part the entire interval of about $\frac{1}{4}$ mile and running north and south for fully twice the distance. Outcrops are found on the west shoulder of the hill, at a point about 300 feet above the lake level where a small quantity of ore has been removed, and at many points directly south. For the most part the outcrop is concealed, however, by a light covering of soil and glacial materials. The Sanford deposit was prospected with considerable care by Professor Emmons who has left a circumstantial and faithful record of the results.¹ Five lines of excavation were made under his direction, four running transverse and one parallel to the length of the body. The middle transverse section began at the base of the hill and ran eastward at right angles to the course of the ore, a distance of 514 feet. Its exact location is not now ascertainable though probably it was about on a line with the opening mentioned above. The record of this section which is given in greatest detail affords a good idea as to the general character of the ore body and is here quoted.

*Record of the middle transverse section of the Sanford ore body made
by Professor Emmons*

Pit no.	Interval feet	
1	..	Fine granular feldspar, intermixed with iron, garnet and hornblende
2	36	Rich ore breaking into tabular masses

¹Survey of the Second Geological District. 1842. p. 249.

Pit no.	Interval feet	
3	10	Rich ore, as above
4	15	Rich ore
5	20	Rich ore, mixed in a small proportion with granular feldspar
6	12	Granular feldspar in a decomposing state containing only a small proportion of ore
7	20	Rich ore, mixed with a few scales of black mica and feldspar
8	22	Rich ore, mixed with garnet and feldspar
9	24	Nearly the same as No. 8, but brighter
10	24	Rich ore, with a very small portion of feldspar
11	22	Loose decomposed rock
12	17	Rich ore
13	15	Rich ore, with feldspar
14	39	Rich granular ore, with a resinous luster
15	15	Lean ore
16	22	Principally rock
17	28	Pure ore
18	35	Pure ore
19	36	Rich ore
20	22	Pure ore
21	27	Pure ore
22	30	Pure ore
23	29	Pure ore
24	30	Ore mixed with garnet
25	14	Rock mixed with particles of ore

The other sections are not so detailed but show about the same relations. Section No. 2 was run 268 feet south of No. 1 or middle section and gave a width of 610 feet of ore without apparently encountering the walls. Section No. 3 crossed the ore body 210 feet south of No. 2, and No. 4 was run 231 feet north of No. 1; their length is not stated. On the basis of this work Professor Emmons estimated the ore body to contain 6,830,000 tons at a depth of 2 feet below the adjoining surface. The results obtained by diamond drilling during the years 1906 and 1907 have demonstrated that the ore continues westward practically to the lake side considerably farther than Emmons was able to trace it, while they have also proved its continuity to a depth of 300 or 400 feet, as far as the drills have penetrated. Recent magnetic surveys show the existence of lines of attraction which cross the lake to the western shore where they merge with the smaller ore body

which outcrops just south of Big island as indicated on the map. The latter is thus probably an extension of the Sanford, the two being connected by a belt beneath the lake.

The Sanford deposit is conveniently situated for working, and a quantity of ore that is not subject to careful estimate but which must amount to several millions of tons can be removed by ordinary quarry methods before reaching the level of the adjacent lake. Its position directly in the valley will facilitate transportation when once the district is provided with railroad communication. In quality the ore is above the average of the district. Except for admixture with feldspar it is nearly a pure aggregate of iron minerals. The feldspar is segregated to a great extent along certain bands, though it occurs in smaller amount all through the mass. The separation of the rich ore from the admixed ore and rock could be performed without much difficulty during the quarry operations.

The Cheney deposit lies about a mile west of Lake Sanford, and has apparently no connection with the Sanford body. It is known to be of large size, though it has been little explored. In one place a pit of some 20 feet deep has been opened. Professor Kemp has described the occurrence as follows: "The wall rock is a gabbro-gneiss as already stated, and the ore contains more sulfur and phosphorus than do the others in the anorthosites. It emits a sulfurous odor when broken with the hammer. In thin sections it is seen to be lean. Apatite is abundant, and brown hornblende, red brown biotite, chloritized augite, and some plagioclase make up a large part of the aggregate." The ore is at times quite rich, but its average is not as high as the Sanford ore.

About 2 miles north of the Sanford deposit, on its line of strike, there is an exposure of fine grained ore which is mentioned by Emmons as a probable continuation of that deposit. There is said to be a nearly continuous line of magnetic attraction between the two. An opening has been made well up on the side of Mt Adams. In addition to plagioclase the ore, according to Kemp, contains some spinel.

In the vicinity of the Tahawus Club and north and west of there towards Lake Henderson, there is a complex of deposits forming an almost connected series distributed over an area of perhaps a square mile. Ore shows on both sides of the river near the outlet of Calamity brook, and on the west side is the Millpond opening from which most of the ore in the early days was taken to supply the furnace. This pit is about 100 feet long and from 10 to 40 feet wide, *the walls are like those of the Sanford deposit and the iron*

made from it was highly commended by Professor Emmons. It was used without concentration. The so called "iron dam" is a dike of ore which cuts across the river back of the Tahawus Club in a northeasterly direction. It has a width of 10 feet or a little more, but includes a good deal of feldspar.

Along Calamity brook, beginning a short distance from the outlet, ore is exposed for a distance of 500 or 600 feet and can be traced to the west for several hundred feet. It is mostly a fine grained intimate mixture of iron minerals and feldspar, pyroxene and garnet. In the leaner phases it is a ferriferous gabbro. It would appear that this ore occurrence, as well as others of this type, represents an intrusion of a highly ferriferous gabbro in the anorthosite. This ore contains considerable pyrite and is consequently quite sulfurous. The magnetite is in part concentrated in small stringers or veinlets which intersect the gabbro in all directions.

Between the latter locality and Lake Henderson there has been uncovered by the exploratory operations conducted during the last two years an important ore-bearing area that seems to have been overlooked in the earlier investigations. No mention of the occurrence is made by Emmons or Kemp. The tract is heavily wooded and covered with a stratum of soil and glacial boulders. By excavating a line of trenches, ore has been shown to exist in practically a continuous body, the bounds of which have not yet been determined. The ore ranges from an almost solid mixture of magnetite and ilmenite to leaner material in which labradorite predominates. The deposit has been tested in several places with the diamond drill, of which one of the records is here given.

	Feet	Inches
Lean ore, consisting of disseminated magnetite with feldspar and pyroxene	19	3
Rich ore	30	6
Rock and lean ore, alternating	15	....
Rich ore	33	6
Rock carrying some ore	11	1
Lean ore	12	....
Rock and lean ore	8	....
Rich ore alternating with seams of rock	10	7
Rock	5	....
	<hr/>	<hr/>
	144	11

Character of the ores. The difference in character of the Lake Sanford ores depending upon their geological associations has



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TILDEN FOUNDATIONS.

already been noted. The ores which have anorthosite for walls are more uniform than the others in their physical appearance and mineralogy, and also appear to be somewhat richer in iron. As a rule they are coarsely textured; the constituent grains of magnetite have a mean diameter of $\frac{1}{4}$ to $\frac{1}{2}$ inch. When free from feldspar they can scarcely be distinguished in hand specimens from the nontitaniferous magnetites. Variations in granularity can be noticed in different parts of the same ore body, but the grain seldom approaches the fineness of the ores included by the gabbro. With the exception of inclusions of labradorite and occasional crystals of pyroxene, they are remarkably pure ores. The ores found in the gabbro usually carry these minerals in quantity, as well as garnet and small amounts of pyrite and apatite. Their texture approaches that of a normal gabbro, owing to the presence of the silicates, and they are very dense and tough.

The following analyses furnish particulars as to the chemical composition of the ores from the principal deposits. They have been obtained from the papers by Kemp and Rossi, except Nos. 5 and 11 which have been communicated by Mr W. L. Cumings and No. 6 which was made by Prof. E. W. Morley from a sample gathered by the writer.

	Sanford deposit					
	1	2	3	4	5	6
Fe ₃ O ₄	70.80	71.03	70.73	87.60	.....	a83.4
SiO ₂	1.39	1.34	2.46	.87	2.09	.....
TiO ₂	19.52	18.70	20.03	10.91	9.45	14.
Al ₂ O ₃	4.00	.....	3.50	.53	.....	.....
P.....	.022	.....	.....	.....	.007	.....
S.....	.028	.....	.....	.....	.027	.....
	=====	=====	=====	=====	=====	=====
Iron.....	51.30	51.44	51.22	62.65	63.36	60.5
	=====	=====	=====	=====	=====	=====
	Millpond pit			Cheney pit		Iron dam
	7	8	9	10	11	12
Fe ₃ O ₄	87.20	82.37	73.62	55.64	86.53	.....
SiO ₂	1.09	3.67	1.53	9.79	.....	1.96
TiO ₂	10.73	13.38	19.74	15.77	8.25	10.85
Al ₂ O ₃.....	.44	1.50	3.50	7.12	.....	.....
P.....	nil	.017	.037	.....	.39	.008
S.....	nil	.068	.08	1.00	.74	.009
	=====	=====	=====	=====	=====	=====
Iron.....	63.45	59.56	53.62	40.33	62.15	64.47

a Fe₂O₃ 55.9; FeO 27.5.

Analysis No. 5 is of a sample taken across the face of the Sanford pit. The ore here is, no doubt, above the average for the whole deposit, and the first three analyses perhaps are more representative. It will be seen that aside from the Cheney pit all of the ores are low in phosphorus and sulfur and well within the requirements for Bessemer ores.

MOOSE MOUNTAIN DEPOSITS

Moose mountain is a prominent peak 3 miles north of Hammondville, on the edge of the central anorthosite area. The deposits occur on the shoulder of the peak, a little east of the summit, at an altitude of about 2000 feet, as nearly as can be determined. They were opened several years ago by the Crown Point Iron Co., in an experimental way, but only a few hundred tons of ore have been taken out. The trail to the mines leads up the eastern side of the mountain, following the brook which empties into Paradox creek below the outlet of Round pond. At the point where the trail branches off, the outcrops are of augite syenite, but this rock gives way a few hundred feet west to anorthosite, the contact being marked by a garnetiferous zone which seems to be a metamorphosed phase of the syenite. Near the deposits gabbro appears and forms the immediate country rock. It is doubtless a large intrusion in the anorthosite. It has a strongly gneissoid texture with much red garnet that has evidently formed at the expense of the feldspar, and hornblende as the main dark constituent.

The ore bodies consist of bands or lenticular masses striking about northwest and apparently dipping northeast. The main pit is perhaps 40 feet long and from 4 to 5 feet wide. The ore in its prevailing character is but an enriched portion of the gabbro averaging not more than 40 per cent in iron. The magnetite is finely divided and is intergrown with pyrite. At one pit specimens were collected which showed a more coarsely textured material above the average in richness. The deposits appear to be of small extent, judging from the limited areas of magnetic attraction surrounding them.

SPLIT ROCK MINE

Split Rock mountain, on which the mine of that name is located, is an offshoot of the Adirondacks forming the western shore of Lake Champlain for some distance between Westport and the village of Essex. It rises abruptly from the lake level as a series of

peaks of which the highest is a little over 1000 feet. The approach from the western side where it falls toward the Bouquet river is more gradual.

The mine openings are in the face of a cliff fronting directly on the lake just north of the little cove that is locally known as Snake Den harbor. They lie about 100 feet above the shore and consist of two drifts, 10 feet or so wide, which follow the ore back into the mountain for a short distance. The workings date back over 25 years, as Smock states in his report that no ore had been mined for six years previous to his visit. The concentrating works, erected on the lake shore below the mine, have fallen into decay or have been removed. A magnetic process was employed for separating the magnetite from the gangue.

The main mass of Split Rock mountain consists of light gray anorthosite, with local intrusions of gabbro. Both rocks show strong crushing effects, the former in the granulation of the labradorite which constitutes almost the entire mass, and the latter in its markedly gneissoid texture as well as a similar granulation of its constituents. Both contain secondary garnet. The gabbro in thin section is seen to be mainly composed of augite, hypersthene, brown hornblende, garnet and labradorite, with olivine and magnetite in subordinate amount. The hornblende is plainly a result of chemical reaction between the magnetite and the feldspar brought about by the dynamic metamorphism which the rock has undergone. An analysis of the gabbro quoted from the paper by Professor Kemp is given on page 148 of this report.

The deposits occur directly in gabbro of which there is a considerable area in the vicinity. The relation between the ore and wall rock is that of complete gradation, there being no line of demarcation whatever between the one and the other. The magnetite in the gabbro increases in proportion until it becomes the principal constituent; while there is a corresponding retreat of the silicates, the feldspar being the first to disappear. A peculiar feature revealed by examining thin sections is the occurrence of veinlets of magnetite that evidently are the fillings of rifts in the ore subsequent to its consolidation. The veinlets are minute, but they can be traced generally across the whole section, breaking through the silicate minerals as well as the inclosing magnetite. It would appear that there must have been a secondary infiltration of magnetite, perhaps from a fused portion of the body at depth. Another singular phenomenon, noted by Professor Kemp in the ore from

this locality, is the presence of a greenish glass which forms veinlets and incrustations of microscopic size, with inclusions of feldspar and magnetite.

The ore has a fine grain and is exceedingly hard and tough. When observed in hand specimens the general run seems to be fairly rich, but closer examination shows, even in the richest material, that there is a considerable proportion of gangue minerals. The latter are distributed in small particles through the magnetite in such a manner that it would prove difficult to make a satisfactory separation of the material for commercial purposes.

The following analyses, of which No. 1 is by W. F. Hillebrand and No. 2 by George W. Maynard, give the composition of the ore.

	1	2
Fe ₂ O ₃	15.85	38.43
FeO.....	27.94	23.40
SiO ₂	17.90	16.46
TiO ₂	15.66	14.70
Cr ₂ O ₃.....	.51	.....
Al ₂ O ₃	10.23	.34
MnO.....	tr.	.23
CaO.....	2.86	3.54
MgO.....	6.04	2.13
P ₂ O ₅.....	.04	.....
V ₂ O ₅.....	.55	.....
CO ₂.....	.10	.....
S.....	.14	.....
H ₂ O.....	1.33	.....
	<hr/>	<hr/>
	99.15	99.23
	<hr/>	<hr/>
Iron.....	32.82	32.59
Titanium.....	9.40	8.82

LINCOLN POND MINE

The Lincoln pond mine, locally called the Kent mine, is about 5 miles northwest of Mineville, not far from the highway leading to Elizabethtown. It consists of a pit about 75 feet long by 15 feet wide, with a shaft at one end of unknown depth. The wall rock is a massive hypersthene gabbro, carrying more or less garnet. The ore has the usual character of the magnetites found in this

association, though it is rather above the average in iron. It contains besides the silicates of the gabbro small crystals of apatite. An analysis by W. F. Hillebrand contained in Professor Kemp's paper shows the following percentages.

Fe ₂ O ₃	30.68
FeO.....	27.92
Al ₂ O ₃	6.46
SiO ₂	11.73
TiO ₂	12.31
CaO.....	3.95
MgO.....	3.35
K ₂ O.....	.26
Na ₂ O50
P ₂ O ₅82
V ₂ O ₅04
CO ₂32
S.....	.04
C.....	.05
Cl.....	.12
Fl.....	tr.
H ₂ O.....	.64
	<hr/>
	99.19
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Iron.....	44.19

The presence of carbon is an interesting feature of the analysis and is probably due, according to Hillebrand, to the inclusion of graphite. Professor Kemp was unable to identify that mineral under the microscope beyond doubt, though a few black particles were observed in the chemical residues which might well have been of graphitic nature.

LITTLE POND MINES

A short distance north of Little pond, 2 miles south of Elizabethtown, two openings have been made in titaniferous bodies which appear to be of considerable size. The northern opening is about 20 feet across at the surface and 15 feet deep, while the other to the south has been excavated in the hillside and is about 30 feet long and 25 feet high at the working face. The walls consist of dark green gabbro. The ore is lean, as it carries a good deal of

garnet, hornblende, feldspar and the other constituents of the gabbro. Analyses by W. F. Hillebrand, quoted from Kemp's article, show the following composition for the ore from both pits.

	North pit	South pit
Fe ₂ O ₃	26.30	11.16
FeO.....	29.78	28.35
TiO ₂	18.82	13.07
Cr ₂ O ₃75	.37
V ₂ O ₅62	.50
P ₂ O ₅	tr.	.32
S.....	.06	.10
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	76.33	53.87
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Iron.....	41.57	29.87

PORT LEYDEN MINE

Near the site of the old iron furnace at Port Leyden, Lewis co., a titaniferous ore body exists in somewhat remarkable associations. It was prospected many years since by a shaft which is said to be 65 feet deep but is now filled with water almost to the surface. No ore can be seen in place either at the shaft or in the outcrops nearby, so that it is probably limited to a lens or shootlike mass of no great lateral dimensions. In the volume of the *Mineral Resources* for 1886, the following mention is made of the occurrence: "A titaniferous ore at Port Leyden (Lewis county) occasioned the erection of a blast furnace, concerning which Mr George D. Colby says: 'With a view of ascertaining the amount and quality of the ore which led to the erection of these works, the present company made borings to a depth of 300 feet. The core of the borings indicated an abundance of ore, but of such chemical composition that no attempt has been made by this company to produce pig iron from it.' "

An analysis of the ore, quoted from the same source, shows the percentages below:

Fe ₃ O ₄	52.67
FeS ₂	5.86
SiO ₂	10.95
TiO ₂	9.31
Al ₂ O ₃	5.21
Mn.....	1.12

CaO.....	8.38
P.....	2.59
S.....	3.12
	<hr/>
	99.21
	<hr/>
Iron.....	40.90

The analysis is perhaps of questionable accuracy in some respects. The sulfur is certainly all combined with the iron to form bisulfid, and the ferrous and ferric oxids can hardly be present in the exact proportions to form magnetite when there is such a large amount of titanium present as ilmenite. That the determinations of iron and titanium are substantially correct as to bulk, however, has been confirmed by an analysis made by Prof. E. W. Morley, on a sample gathered recently from the mine dump. The analysis gave: Fe 50.79 per cent; TiO_2 9.90 per cent.

The immediate walls of the deposit are not in evidence, but there are abundant outcrops in the vicinity, all of quartzose gneisses. The latter include a pink, slightly foliated variety and a grayish garnetiferous one. Both show under the microscope a composition that allies them to the granites and granitic gneisses of the Adirondacks. The feldspars are chiefly microperthite and microcline, though there may be a little acid plagioclase present. Quartz is abundant. The dark minerals comprise biotite and magnetite and a chloritic product that may have been derived from augite.

The ore is an extremely dense hard mass in which the magnetite occurs in finely divided particles intergrown with larger grains of pyrite. Biotite and garnet are also present. Some specimens taken from the dump at the shaft show inclusions of a green feldspar rock resembling the Adirondack syenite in composition and appearance.

The derivation of the deposit is difficult to explain except that it may be related to some underlying magma from which the ore body represents an offshot, perhaps intrusive in the granitic gneiss. The association of syenite alluded to affords evidence of the existence of such a magma, and it is well known that the gabbros and syenites and the granites in some cases as well grade into each other and are closely connected in their genesis.

OTHER TITANIFEROUS DEPOSITS

In the town of Westport, about 2 miles south of Westport village, several pits have been excavated in deposits that outcrop

on a ridge in contact with a gneissoid gabbro. They are of small size and the ore is lean.

Tunnel mountain, southeast of Elizabethtown and directly east of Little pond, carries a deposit which outcrops on the summit and has been opened to a depth of 40 or 50 feet. The pit runs about north and south and is 10 feet wide. An attempt was made to tap the deposit by a tunnel some 200 feet below the outcrop, but was given up before reaching the ore. An analysis of the ore by Hillebrand gave the following percentages:

Fe ₂ O ₃	20.35
FeO.....	28.82
SiO ₂	13.35
TiO ₂	16.45
Cr ₂ O ₃.....	.55
Al ₂ O ₃	8.75
CaO.....	2.15
MgO.....	6.63
P ₂ O ₅.....	.02
V ₂ O ₅.....	.61
CO ₂.....	.17
S.....	.09
C.....	tr.
Cl.....	tr.
H ₂ O.....	1.68
	<hr/>
	99.62
	<hr/>
Iron.....	35.99

On the east slope of Tunnel mountain two small pits have been excavated in lean titaniferous ore.

The Humbug vein, north of Cook shaft, Mineville, is titaniferous and probably occurs in gabbro, though its associations have not been fully determined. The ore is reported to carry 20 per cent TiO.

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INDEX

- Acknowledgments**, 7.
- Adirondack iron ores**, classification, 5.
- Adirondacks**, sketch of the geography and topography, 8-22.
- Albite**, found in syenites, 63; gneisses, 109.
- Altona**, forge, 106.
- American Steel & Wire Co.**, 44.
- Amphibole**, 13, 46.
- Amphibolites**, 14, 15, 17, 27; Mineville-Port Henry group, 62; Arnold hill and Palmer hill group, 92.
- Analyses**, Arnold mine, 98; augite syenite, 64; Baker opening, 38; Battie mine, 105; Benson mines, 135-37; Bowen & Signor mine, 127; Cheever mine, 71; Clifton mines, 140-41; Cook mine, 104; Crag Harbor ore body, 69; Dills & Lavake and Rutgers pits, 103; Finch and Chalifou pits, 99; Fine mines, 139; Hammondville mines, 53-54; igneous rocks, 29; Indian mine, 99; Jayville ore, 138; Lake Sanford ores, 152, 154, 158, 163; Lee mine, 69; Little pond mine, 168; Lyon Mountain mines, 116, 120-22; Mineville group, 82; Mt Hope mine, 39; Nelson Bush mine, 96; Old Bed ore, 82; Palmer hill mines, 102; Parish ore body, 142; Parkhurst mine, 123; Port Leyden mine, 168-69; Potter mine, 38; Salisbury mine, 145; Skiff mine, 55; Split Rock mine, 166; titaniferous magnetites, 147-48; Tremblay mine, 128; Tunnel mountain ores, 170; Vineyard mine, 41.
- Anorthosite**, 9, 16-17, 147, 150; analysis, 148; Arnold hill and Palmer hill group, 91; Hammondville mine group, 44, 45, 46, 48; Lake Sanford deposits, 157, 158, 163; Mineville-Port Henry group, 67; Moose mountain, 164; Split Rock mine, 165.
- Apatite**, found in gneiss, 45, 109; granite, 47; schists, 111; syenites, 63, 93; magnetites, 25, 32, 66, 82, 96, 98, 103, 104, 114, 132, 135, 136, 145, 152, 161, 163, 167.
- Arch pit**, Barton hill mines, 84.
- Arnold hill deposits**, 16, 22, 24-26, 90-105; concentrating plants, 34; igneous group, 28; syenite, 93; statistics of ore production, 35, 100.
- Arnold mine**, 96-98.
- Arnold Mining Co.**, 94.
- Arnold, Stickney & Howe**, 94.
- Augite**, found in anorthosites, 17, 67, 158; gabbros, 17, 62, 165; gneisses, 27, 30, 91, 92, 95, 103, 109, 110, 115, 124, 144; granites, 18, 28, 112; hematite, 43; magnetites, 32, 101, 113, 116, 145, 161, 169; pegmatite, 114; schists, 111; syenites, 18, 28, 29, 46, 63, 65, 66, 93, 109, 143, 164.
- Ausable Forks**, 93; forge, 100.
- Averill mine**, 125-26.
- Averill peak**, 108.
- Ayers pit**, 51.
- Bachman, F. E.**, acknowledgments to, 154.
- Baker opening**, 38.
- Bakers Mills**, anorthosite, 17.
- Bald Peak**, 59.
- Ball, Clinton M.**, cited, 171.
- Barton gneiss**, 64.
- Barton hill**, gabbro, 31; mines, 66, 72, 84-88.
- Battie mine**, 90, 104-5.
- Bay State**, blast furnaces, 58.
- Beck, L. C.**, cited, 58, 69, 171.
- Beekmantown formation**, 19.

- Bell, Sir Lowthian, cited, 171.
 Belmont, forge, 106.
 Benson mines, 23, 30, 33, 35, 128, 131-32; concentrating plants, 34; section, 133.
 Benson Mining Co., 132.
 Benson pits, Jayville mines, 138.
 Bibliography, 171-72.
 Big pit, Palmer hill mines, 100, 101.
 Biotite, found in anorthosites, 158; gneisses, 15, 20, 30, 40, 45, 68, 89, 92, 95, 110, 111, 132, 143; granites, 41, 47; magnetites, 32, 42, 101, 103, 104, 135, 140, 152, 161, 169; schists, 20, 27, 30, 111, 125; syenites, 67.
 Birch hill, granitic gneisses, 111.
 Birkinbine, John, cited, 36, 171.
 Black Brook, forge, 100; mine, 124, 126.
 Black River formation, 19.
 Blacksmith mine, 53.
 Blake, W. P., cited, 171.
 Blye mine, 42.
 Bonanza-Joker ore body, 74, 78.
 Bonaparte lake, Grenville limestone, 130.
 Bone phosphate, Mineville group, 82.
 Booth, Garrett & Blair, analysis by, 39.
 Bowen & Signor mine, 126.
 Brakes, James, analyses by, 104, 105, 120, 121.
 Breed mine, 40, 42.
 Briquetting, 34.
 Britton, J. B., analysis by, 41, 56.
 Bulwagga mountain, 59.
 Burden Iron Co., 89.
 Burden pit, Lyon Mountain mines, 117.
 Burt lot, Mineville group, 72, 86.
 Burt pit, Arnold hill, 90.
 Butler & Gillette, 57, 68.
 Butler mine, 40, 41-42.
 Calamity brook, 162.
 Calciferous formation, 19.
 Calcite, found in anorthosites, 158; hematite, 43; magnetites, 52, 96.
 Camptonite, 112.
 Cannot pit, Lyon Mountain mines, 117.
 Carbon, Clifton mines, 141; Lincoln pond mine, 167.
 Catalan forges, 106.
 Cedar Point, furnace, 58.
 Chalifou mine, 90, 94, 98-99.
 Champlain clays, 60.
 Chateaugay lake, upper, 108.
 Chateaugay mines, 105. *See also* Lyon Mountain.
 Chateaugay Ore & Iron Co., 106.
 Chazy lake, 108.
 Chazy limestone, 19.
 Cheever mines, 57, 58, 66, 68, 69-71; concentrating plant, 34; cross-section, 70.
 Cheney ores, 159, 161.
 Chlorin apatite, 82.
 Chlorite, 43, 95.
 Clarksboro, charcoal furnace, 139.
 Clayburg, forge, 106, 124; mine, 127-28.
 Clifton, Benson mines, 131.
 Clifton mines, 23, 30, 128, 139-42.
 Clifton Mining Co., 139.
 Clinton county, 8; dike rocks, 19; faults, 21; gneisses, 15; igneous series, 27, 28; magnetites, 23; mines, 90-128; titaniferous magnetite, 147.
 Clintonville, forge, 100; Winter mine near, 105.
 Coccolite, 139.
 Colburn furnace, 58.
 Colby, George D., cited, 168.
 Commercial utilization of the titaniferous ores, 153-55.
 Concentrating plants, 34.
 Cook hill, 90.
 Cook mine, 103-4.
 Cook shaft, Barton hill mines, 86.
 Copper, 82, 96.
 Craig Harbor bed, 57, 69.
 Crown Point, Grenville series, 30; mines near, 40-43.
 Crown Point Iron Co., 44, 50, 164.
 Crystalline limestones, 11, 12-13, 15, 27; Arnold hill and Palmer hill, 92; Clifton mines, 30; Crown

- Point mines, 40; Hammondville mines, 45; Lake Sanford deposits, 157; Lyon Mountain mines, 108; Minerva mine, 89; Mineville-Port Henry group, 67, 68; St Lawrence county mines, 130, 140, 142; Salisbury mine, 143.
- Cummings, W. L., acknowledgments to, 7; mentioned, 163.
- Cushing, H. P., cited, 10, 11, 13, 15, 19, 21, 28-29, 63, 64, 108, 109, 125, 142, 143, 144, 157.
- Dannemora mines, 105, 124, 125.
- Dannemora mountain, 108.
- Darton, N. H., cited, 22.
- Diabase dikes, 19; Arnold hill and Palmer hill, 91, 93-94, 101; Hammondville mine group, 45; Lyon Mountain mines, 112, 115, 122; Mineville-Port Henry group, 61-62; Saranac valley mines, 125.
- Dickson vein, Lyon Mountain mines, 113, 116, 117.
- Dike rocks, 12, 19. *See also* Diabase dikes.
- Dills & Lavake pit, 90, 103.
- Diorites, 15, 65.
- Dioritic gneiss, 66.
- Dodge vein, Clifton mines, 140.
- Dog Alley mine, 52.
- Drill tests, Hammondville mines, 53; Lyon Mountain mines, 118-20.
- Drown, T. M., analysis by, 54.
- Elizabethtown, titaniferous magnetite, 147.
- Ellenburgh mountain, 108.
- Elliot pit, Palmer hill mines, 100, 101.
- Ellis mine, 126.
- Emmons, E., cited, 10, 16, 57, 58, 69, 72, 90, 95, 98, 103, 104, 128, 131, 146, 149, 155, 156, 159, 161, 162, 171.
- Epidote, 114.
- Essex county, 8; anorthosite, 16; dike rocks, 19; faults, 21; field work in, 11; flexures, 21; gabbro, 17; gneisses, 14; Grenville series, 30; Lake Sanford deposits, 155; limestones and schists, 13; magnetites, 23, 26; mines, 40-90, 164-68, 169; quartzite, 14; titaniferous magnetite, 147.
- Essex Mining Co., 57, 68.
- Essler pit, Jayville mines, 138.
- Eupyrchroite, Crown Point mines, 40.
- Fairbanks mine, 126.
- Faults, existence of, 21; Arnold hill mines, 94-95.
- Feldspar, 9; found in amphibolites, 14; anorthosites, 17, 67, 147, 157; gabbros, 17, 62, 158, 168; gneisses, 13, 15, 28, 30, 45, 46, 91, 109, 110, 111, 132, 140, 143, 144, 148, 169; granites, 18, 46, 47, 112; magnetites, 24, 53, 100, 113, 116, 122, 135, 145, 159, 160, 162, 166, 168, 169; pegmatite, 114; quartzites, 14, 15; schists, 46, 111; syenites, 18, 46, 64, 65, 93, 143.
- Finch pit, Arnold hill mines, 90, 94, 98-99.
- Fine, magnetites, 23; Grenville series, 30; mines, 128, 138-39.
- Fisher hill mines, 72, 86.
- Fletcherville, furnace, 58.
- Fluorite, in magnetites, 28, 32, 52, 96, 100.
- Foliation, 20.
- Foote, W. T., acknowledgments to, 7; cited, 150.
- Fort Ann, statistics of ore production, 35; mines near, 37-40.
- Fort Ticonderoga, hematite, 6, 42.
- Franklin county, 8; gneisses, 15; magnetites, 23; titaniferous magnetite, 147; syenite, 18.
- Fuller pit, Jayville mines, 138.
- Fulton county, 8.
- Gabbroic gneiss, 66; Cheney deposit, 161.
- Gabbros, 15, 17-18, 31, 62-63, 147, 149, 150; analyses, 148; Arnold hill and Palmer hill, 91, 93; Hammondville mines, 45, 46, 48, 49; Humbug vein, 170; Lake Sanford

- deposits, 158, 162, 163; Lincoln pond mine, 166; Little pond mines, 167; Lyon Mountain mines, 109; Mineville-Port Henry group, 70, 71; Moose Mountain mine, 164; Port Leyden mine, 169; St Lawrence county mines, 130, 131; Split Rock mine, 165.
- Garnet, 9; found in anorthosites, 17, 158; diabase dikes, 101; gabbros, 62, 63, 158, 164, 165, 166, 168; gneisses, 13, 27, 30, 46, 89, 125, 131, 132; magnetites, 114, 135, 138, 140, 142, 152, 159, 160, 162, 163, 169; schists, 39, 46, 111; syenites, 93.
- Glacial drift, 60-61.
- Gneisses, 11, 12, 13, 27, 29, 30, 47; Arnold hill and Palmer hill group, 91-93, 95, 103, 105; Barton, 64; Cheney deposit, 161; Crown Point mines, 40, 41, 42; foliation, 20; Hammondville mine group, 45, 46, 48, 49, 50; Lake Sanford deposits, 157; Lyon Mountain mines, 108, 109, 110, 113, 115; Minerva mine, 89; Mineville-Port Henry group, 64, 65, 66, 67, 70, 71; Orchard, 65; Port Leyden mine, 148, 169; St Lawrence county mines, 130, 131, 132, 137, 138, 140, 142; Salisbury mine, 143, 144; Saranac valley mines, 124, 125, 126, 128; of undetermined relationship, 15-16. *See also* Augite, Hornblende, etc.
- Granbery, J. H., cited, 171.
- Granite, 9, 15, 18-19, 28, 30, 32, 147; Crown Point mines, 41, 42; mines near Fort Ann, 37, 39; Hammondville mine group, 45, 46, 47, 48, 49; Lyon Mountain mines, 110, 112; Port Leyden mine, 169; St Lawrence county mines, 131, 135, 137; Saranac valley mines, 125, 126.
- Granitic gneisses, Lake Sanford deposits, 157; Lyon Mountain mines, 110; St Lawrence county mines, 140; Saranac valley mines, 124, 125.
- Grannis, George D., mentioned, 139.
- Graphite, 9; found in gneisses, 13, 40, 46; limestones, 13, 46, 67, 157; magnetites, 30, 167; quartzites, 14; schists, 46.
- Graphite (village), quartzite, 14.
- Grenville series, 12-14, 18, 25, 27, 29, Arnold hill and Palmer hill group, 92; Crown Point mines, 40; mines near Fort Ann, 37; Hammondville mine group, 46; Minerva mine, 89; Mineville-Port Henry group, 67-68, 70; Newcomb, 157; St Lawrence county mines, 130, 131, 132; Salisbury mine, 143; Saranac valley mines, 125.
- Hague, quartzite, 14.
- Hall, C. E., cited, 10, 171.
- Hall mine, Mineville group, 72, 88.
- Hall slope, Lyon Mountain mines, 117.
- Hamilton county, 8; field work in, 11.
- Hammond mine, 40, 42.
- Hammond pit, Lyon Mountain mines, 117.
- Hammondville gneiss, 45-46.
- Hammondville mine group, 23, 24, 43-56; statistics of ore production, 35; analyses, 53-54.
- Hansell, N. V., acknowledgments to, 7; cited, 172.
- Harmony mines, 60, 74, 82-84.
- Harris mine, 44.
- Harrisville, Grenville limestone, 130.
- Hart pits, Jayville mines, 137.
- Hematites, 6, 26; Arnold hill, 26; Hammondville mines, 53; Mineville-Port Henry group, 66; Mount Defiance mine, 40, 43.
- Herkimer county, 8; field work, 11; Salisbury mine, 23, 142-45.
- Hillebrand, W. F., analysis by, 166, 167, 168, 170.
- Hindshaw, H. H., acknowledgments to, 7; mentioned, 116.
- Höfer, Hans, cited, 171.
- Hoffman, fault, 22.
- Horicon Iron Co., 55.
- Hornblende, found in amphibolites, 14; anorthosites, 17; gabbros, 62,

- 93, 158, 164, 165, 168; gneisses, 15, 20, 27, 30, 40, 41, 42, 45, 46, 48, 49, 50, 70, 89, 92, 95, 105, 109, 115, 125, 130, 131, 132, 137, 138, 140, 143, 144, 157; granites, 18, 30, 37, 46, 137; magnetites, 24, 32, 39, 53, 67, 103, 104, 113, 127, 138, 139, 140, 145, 152, 159, 161; pegmatite, 114; quartzites, 15; schists, 20, 27, 28, 30, 37, 45, 62, 67, 111, 140; syenites, 18, 28, 29, 46, 63, 65, 93.
- Howe mine, 42.
- Humbug vein, 170.
- Hunt, Rogers, acknowledgments to, 71.
- Hunt, T. S., cited, 171.
- Hurd, C. S., acknowledgments to, 7.
- Hypersthene, found in anorthosites, 16, 17, 67, 158; gabbros, 17, 62, 93, 165; hematite, 43; syenites, 18, 63, 93.
- Igneous group**, 12, 16-19, 27-29, 91.
- Ilmenite, anorthosites, 17; gabbros, 17; titaniferous ores, 149, 150, 158.
- Indian mine, 90, 99.
- Iron, Arnold mine, 98; Battie mine, 105; Benson mines, 136; Bowen & Signor mine, 127; Clifton mines, 141, 142; Cook mine, 104; Crag Harbor ore body, 69; Dills & Lavake and Rutgers pits, 103; Finch and Chalifou pits, 99; Fine, mines, 139; Hammondville gneiss, 45; Hammondville mines, 54; in intrusive rocks, 32; Jayville mines, 138; Lincoln Pond mine, 167; Little pond mines, 168; Long Pond mine, 56; Lyon Mountain mines, 116, 121; Mineville group, 82; Mt Hope mine, 39, 40; Nelson Bush mine, 96; in nontitaniferous magnetites, 24; Palmer hill mines, 102; Parish ore body, 142; Parkhurst mine, 123; Port Leyden mine, 169; Potter mine and Baker opening, 38; Salisbury mine, 145; Sanford ore body, 159; Schofield mine, 56; Skiff mine, 55; Split Rock mine, 166; Tremblay mine, 128; Tunnel mountain ores, 170; Vineyard mine, 41.
- Ironville, forge at, 44.
- Jackson hill mines**, 90, 102-3.
- Jasper, 52, 145.
- Jay, forge, 100.
- Jayville mines, 23, 128, 137-38; Grenville series, 30.
- Jefferson county, 8; limestones and schists, 13; magnetites, 23.
- Joker ore body, 74, 78, 82.
- Jones brook, 89.
- Kemp, James F.**, Mineville-Port Henry mine group, 57-88; cited, 10, 11, 14, 21, 26, 28, 31, 43, 47, 52, 92, 146, 147, 149, 157, 161, 162, 163, 165, 166, 167, 168, 171.
- Kemp & Marsters, 112.
- Kent mine, 40, 42.
- Knob mountain, 46, 47, 49.
- Labradorite**, found in anorthosites, 17, 67, 147, 157; gabbros, 17, 93, 165; magnetites, 152, 163; syenites, 46.
- Lake Champlain Ore & Transportation Co., 41, 55.
- Lake Sanford ores, 7, 154, 155-64; analysis, 152, 154, 158, 163.
- Lee mine, 57, 67, 68-69.
- Leeds, Albert R., cited, 158.
- Le Fevre, S., acknowledgments to, 7, 71; analyses by, 98, 99.
- Lewis, quartzite, 14.
- Lewis county, 8; limestones and schists, 13; magnetites, 23; mines, 168.
- Lime, 139.
- Limestones, 9; Clifton mines, 140; Hammondville mine group, 46; Vrooman ridge mines, 138. *See also* Crystalline limestones.
- Limonite, 6.
- Lincoln pond, gabbro, 148; mine, 166-67.
- Little Falls, fault, 22; syenites, 143.
- Little Falls quadrangle, report on geology of, 11.

Little pit, Palmer hill mines, 100, 101.
 Little pond mines, 167-68.
 Long Lake quadrangle, report on geology of, 11.
 Long Pond mine, 44, 55-56.
 Lovers Hole, 84.
 Lowville formation, 19.
 Lundrigan pit, Palmer hill mines, 100.
 Lyon mountain, 108; geology, 108-14; magnetites, 16, 23, 25, 26; igneous series, 27.
 Lyon Mountain mines, 33, 105-24; analyses, 120-22; concentrating plants, 34; main group, 116-18; statistics of ore production, 35, 124; sketch map showing distribution of ore bodies, 107; vertical section across ore bodies, 119.
McCreath, A. S. & Son, analysis by, 154.
 Mace deposit, 90, 105.
 McIntyre, A., mentioned, 156.
 McKenzie brook, 59.
 Magnesia, 45, 139.
 Magnetic concentration, 34.
 Magnetic Iron Ore Co., 132, 137.
 Magnetites, earliest operations date back to about 1800, 6; found in gneisses, 16, 27, 30; gabbros, 17; anorthosites, 17; syenites, 18, 28; granites, 30;
 nontitaniferous: 6, 23-145; origin, 30-33; statistics of ore production, 6, 35-36; mines near Fort Ann, 37-40; Crown Point mines, 40-43; Hammondville mine group, 43-56; Mineville-Port Henry mine group, 57-88; Minerva mine, 89-90; Arnold hill and Palmer hill mine group, 90-105; Lyon Mountain mines, 105-24; Saranac valley mines, 124-28; St Lawrence county mines, 128-42; Salisbury mine, 142-45;
 titaniferous: 6, 7, 62, 67, 146-70;
 Lake Sanford deposits, 155-64;
 Moose mountain deposits, 164;

Split Rock mine, 164-66; Lincoln pond mine, 166-67; Little pond mine, 167-68; Port Leyden mine, 168-69.
 Manganese, Arnold mine, 98; Benson mines, 136; Clifton mines, 141, 142; Cook mine, 104; Finch and Chalifou pits, 99; Fine, mines, 139; Lyon Mountain mines, 121; Nelson Bush mine, 96; Parkhurst mine, 123; Potter mine and Baker opening, 38; Skiff mine, 55.
 Maps of region, 11.
 Marble, 9.
 Martite, 26, 52, 96, 98.
 Maynard, George W., analyses by, 39, 53, 54, 55, 56, 98, 99, 166; cited, 41, 172.
 Mica, found in gneisses, 45, 46, 131, 140; granites, 18; limestones, 13; magnetites, 39, 160; quartzites, 14, 15; schists, 15, 37, 45, 46, 48, 50, 67, 140.
 Microcline, found in gneisses, 89, 91, 110, 111, 125, 132, 169; granites, 28, 37, 41, 46; magnetites, 101, 113; pegmatite, 114.
 Microperthite, found in gneisses, 15, 27, 89, 91, 103, 109, 111, 127, 169; granites, 126; hematites, 43; magnetites, 113; syenites, 18, 28, 46, 63, 65, 93.
 Middleville, syenites, 143.
 Mill brook, 61.
 Miller pit, 74, 80.
 Mineral deposits other than iron ores, 9.
 Minerva mine, 89-90.
 Minerva stream, 89.
 Mineville deposits, 23, 24, 25, 28, 66, 71-82; analysis, 82; concentrating plants, 34; glacial drift, 61; statistics of ore production, 35. *See also* Old Bed group of mines.
 Mineville-Port Henry mine group, by James F. Kemp, 57-88.
 Mining and milling in the Adirondacks, 33-35.
 Monocline pyroxenes, 152.

- Moose mountain deposits, 164.
 Moriah, glacial drift, 61.
 Moriah Corners, Grenville series, 67.
 Morley, E. W., analyses by, 152, 163, 169.
 Morton's peak, 108.
 Mt Adams, 161.
 Mt Defiance mine, 40, 42-43.
 Mt Hope mine, 38-40.
 Mt Marcy, anorthosite, 148; mines, analysis, 158.
- Nason, F. L., cited, 71, 172.
 Nelson Bush mine, 90, 94, 95-96, 97.
 New Bed, Barton hill mines, 84.
 New York pits, Jayville mines, 138.
 Newberry, Spencer B., analyses by, 139.
 Newcomb, titaniferous magnetite, 147; Grenville exposures, 157.
 Newland, D. H., cited, 43, 172.
 Newman, M. H., acknowledgments to, 7; mentioned, 45, 48.
 Nickel, Nelson Bush mine, 96.
 North pit, Barton hill mines, 84, 86.
 North pit, Hammondville mines, 53.
 Norton, S., acknowledgements to, 7, 71.
- Ogilvie, I. H., cited, 11, 44, 45, 46, 48.
 Old Bed group of mines, 25, 28, 34, 35, 65, 66, 67, 71, 74, 78, 80, 84, 88; sections, 73, 75, 77, 79, 81, 83, 85, 87; analysis, 82.
 Old Crown Point vein, 58.
 Oligoclase, found in gneisses, 27, 109, 132, 144; granites, 112; magnetites, 113, 116; syenites, 18, 65.
 Oliver Iron Mining Co., 44, 45, 50; acknowledgments to, 7.
 Olivine, 17, 152, 165.
 Oneida county, 8; magnetites, 23.
 O'Neill shaft, 72, 88.
 Opicalcite, 67.
 Orchard gneiss, 65.
 Orchard pit, Barton hill mines, 86.
 Ore Bed mountain, 89.
 Ore production, statistics, 35-36.
- Orthoclase, found in gneisses, 15, 28, 91, 109, 110, 111, 132, 144; granites, 46, 112; magnetites, 101, 113, 116, 135; schists, 111; syenites, 18, 63, 65.
 Orthorhombic pyroxene, 152.
 Oswegatchie series, 130.
- Paleozoic sediments, 19-20, 61, 108.
 Palmer hill group, 16, 34, 90-105; analyses, 102; igneous rocks, 28; statistics of ore production, 35.
 Paradox Lake quadrangle, report on geology of, 11.
 Parish ore body, 142.
 Parkhurst mine, 108, 113, 122-24.
 Pegmatite, found in gneisses, 28, 47, 49, 92, 103, 110; magnetites, 25, 32, 39, 51, 96, 114, 122, 127, 135; schists, 122.
 Penfield, cited, 150.
 Penfield mine, 44, 51; section across, 51.
 Peru Steel & Iron Co., 100, 101, 102.
 Phillips vein, Lyon Mountain mines, 108, 117, 120.
 Phlogopite, 46, 139.
 Phosphorus, Arnold mine, 98; Battie mine, 105; Benson mines, 136; Bowen & Signor mine, 127; Cheever mine, 71; Cheney deposit, 161; Clifton mines, 141, 142; Cook mine, 104; Crown Point mines, 40; Dills & Lavake and Rutgers pits, 103; Finch and Chalifou pits, 99; Fine, mines, 139; Hammondville mines, 53, 54; Jayville mines, 138; Lake Sanford ores, 154; Long Pond mine, 56; Lyon Mountain mines, 106, 116, 121; in nontitaniferous magnetites, 25; Mineville group, 82; Mt Hope mine, 39, 40; Nelson Bush mine, 96; Old Bed series, 66; Palmer hill mines, 101, 102; Parish ore body, 142; Parkhurst mine, 122, 123; Potter mine and Baker opening, 38; Salisbury mine, 145; Schofield mine, 56; Skiff mine, 55; Tremblay mine, 128; Vineyard mine, 41.

Pilfershire pits, 57, 68, 71.

Plagioclase, found in anorthosites, 147; gabbros, 17, 62, 63; gneisses, 15, 45, 50, 71, 91, 92, 109, 161, 169; granites, 127; magnetites, 152; pegmatite, 114; schists, 111; syenites, 65, 93.

Plattsburg, furnace, 106.

Podunk mine, 37-38.

Porphyritic feldspar, 140.

Porphyritic gneisses, 16.

Porphyry, syenites, 19.

Port Henry, furnace at, 7.

Port Henry group, 57-88.

Port Henry Iron Ore Co., 57, 86.

Port Leyden mines, 147, 148, 168-69.

Potash feldspars, Port Leyden ore body, 148.

Potsdam sandstone, 11, 19, 61, 108, 125.

Potter, S. R., mentioned, 38, 39.

Potter mine, 37-38; cross-section, 37.

Precambrian rocks, 11.

Putnam, B. T., cited, 35, 37, 40, 50, 54, 61, 68, 71, 97, 116, 121, 127, 128, 138, 172.

Putnam county, Tilly Foster mine, 72.

Pyrite, 9; found in amphibolites, 14; gneisses, 13, 27, 30, 32, 42, 45, 46, 89, 92, 131; granites, 30; limestones, 13; magnetites, 25, 30, 38, 39, 40, 41, 90, 96, 114, 135, 139, 140, 145, 152, 162, 163, 164; quartzites, 14; schists, 37, 46, 91, 138.

Pyroxene, found in anorthosites, 158; gabbros, 17; gneisses, 15, 20, 71, 89, 131, 132, 143; limestones, 13, 46; magnetites, 24, 145, 152, 162, 163; schists, 15, 20.

Pyrrhotite, 25, 96, 140.

Quartz, analyses, 29; found in gneisses, 13, 15, 27, 45, 46, 48, 89, 91, 92, 95, 103, 109, 110, 115, 125, 132, 143, 144, 148, 169; granites, 18, 28, 37, 41, 46, 112, 126, 127; hematite, 43; magnetites, 24, 32, 53, 55, 96, 100, 101, 104, 113, 122, 135, 140,

145, 152; pegmatite, 114; schists, 37, 46, 67; syenites, 18, 28, 64, 65, 93.

Quartzite, 14-15, 40.

Rand hill, 17, 109.

Red ore, 66, 80.

Redford, forge, 124.

Rock pond, quartzite, 14.

Rogers, J. & J. Co., 100, 102.

Rossi, cited, 146, 155, 156, 163; mentioned, 153.

Russia, forge, 106, 124.

Rutgers pit, 90, 103.

St Lawrence county, 8; field work in, 11; gneisses, 14; Grenville series, 29; limestones and schists, 13; magnetites, 23, 25, 26; magnetite deposits, map, 129; mines, 128-45; quartzites, 14, 15; statistics of ore production, 35.

Salisbury, augite-syenite, 28; mine, 23, 142-45.

Salisbury Steel & Iron Co., 144, 145.

Sanford ores, *see* Lake Sanford ores.

Sanford pit, Mineville group, 74.

Santanoni mountain, anorthosite, 157.

Saranac, forge, 124; mine, 124, 126, 128.

Saranac formation, 15, 27, 91, 109, 124.

Saranac valley, mines in, 124-28; statistics of ore production, 35.

Saratoga county, 8.

Scapolite, found in gneisses, 30, 132; limestones, 13; pegmatite, 114; schists, 111.

Schists, 11, 13, 15, 27, 28, 29, 30; Arnold hill and Palmer hill, 91; Crown Point mines, 40; foliation, 20; mines near Fort Ann, 37, 39; Hammondville mines, 45, 46, 48, 50; Lake Sanford deposits, 157; Lyon Mountain mines, 111, 113, 122; Minerva mine, 89; Mineville-Port Henry group, 62, 67; St Lawrence county mines, 130, 138,

- 140, 142; Salisbury mine, 143; Saranac valley mines, 125.
- Schofield mine, 44, 56.
- Sedimentary series, *see* Granville series.
- Sedimentary structures of rocks, 65.
- Serpentine, 13.
- Sheridan vein, Clifton mines, 141.
- Sherman mine, 72, 88.
- Shimer, P. W., analysis by, 154.
- Silica, Clifton mines, 142; Fine, mines, 139; Hammondville gneiss, 45; Mineville group, 82; Parkhurst mine, 123; Vineyard and Butler mines, 41; Winter mine, 105.
- Silicious matter, Schofield mine, 56.
- Silicon, Clifton mines, 141.
- Silliman, analysis by, 140-41.
- Sillimanite, found in gneisses, 13, 30, 131, 132; quartzites, 14.
- Skiff mine, 44, 55; analysis, 55.
- Skiff mountain gneiss, 47.
- Smith mine, 72, 86, 88.
- Smock, J. C., cited, 23, 35, 43, 51, 52, 54, 97, 127, 137, 138, 165, 172.
- Smyth, C. H. jr, cited, 10, 11, 14, 18, 63, 129-30.
- Soda feldspar, Hammondville gneiss, 45.
- South pit, Barton hill mines, 86.
- Spinel, 152.
- Split Rock mine, 148, 164-66.
- Standish, furnace at, 7, 58, 106; mine, 108.
- Stoltz, Guy C., acknowledgments to, 71.
- Stower, J. N., acknowledgments to, 7; analyses furnished by, 103; mentioned, 104.
- Sulfur, Battie mine, 105; Benson mines, 136; Breed mine, 42; Cheney deposit, 161; Clifton mines, 141, 142; Crown Point mines, 40; Dills & Lavake and Rutgers pits, 103; Fine, mines, 139; Hammondville mines, 53; Lake Sanford ores, 154; Lee bed, 68-69; Long Pond mine, 56; Lyon Mountain mines, 106; magnetites, 25, 30; Mineville group, 82; Nelson Bush mine, 96; Palmer hill mines, 101; Parkhurst mine, 123; Port Leyden mine, 169; Potter and Podunk mines, 38; Schofield mine, 56; Vineyard and Butler mine, 41; Winter mine, 105.
- Summit pit, Palmer hill mines, 100, 101.
- Swank, James M., cited, 53, 54; analysis by, 120-21.
- Syenite porphyry, dike rocks, 19.
- Syenites, 9, 15, 18, 28, 32, 147; analyses, 29; Arnold hill and Palmer hill, 91, 92, 93, 103; Hammondville mines, 45, 46, 48, 49; Herkimer county, 143, 144; Lake Sanford deposits, 157; Lyon Mountain mines, 109; Mineville-Port Henry group, 28, 63, 67, 70, 71; Moose mountain mine, 164; Port Leyden mine, 169; St Lawrence county mines, 130; Salisbury mines, 28, 144. *See also* Augite syenite, etc.
- Syenitic gneiss, 66, 67, 70, 71, 144.
- Tahawus** Iron Ore Co., 156.
- Talc, 9.
- Taylor, W. Carey, analysis furnished by, 102.
- Tefft shaft, 76.
- Thompson shaft, Barton hill mines, 88.
- Tilly Foster mine, 72.
- Titanic acid, Lyon Mountain mines, 116, 123.
- Titaniferous magnetites, 6, 7, 62, 67, 146-70; analyses, 147-48.
- Titanite, 23, 32; gneisses, 45, 109, 115; granites, 30, 112, 138; limestones, 139; magnetites, 114; schists, 111; syenites, 63.
- Titanium, 152; Arnold mine, 98; Battie mine, 105; Benson mines, 136; Bowen & Signor mine, 127; Cook mine, 104; Dills & Lavake and Rutgers pits, 103; Finch and Chalifou pits, 99; Fine, mines, 139; Hammondville mines, 54; Jayville mines, 138; Lake Sanford

- ores, 154; Lyon Mountain mines, 121; Mineville group, 82; Mt Hope mine, 39, 40; Nelson Bush mine, 96; Port Leyden mine, 169; Split Rock mine, 166.
Tooley Lake, vein, 141.
Touceda, A., analysis by, 135.
Tracy brook, fault, 21.
Trap, 9.
Tremblay mine, 128.
Trenton formation, 19.
Trout brook, 125.
Trout pond, 92.
True brook, 125.
Tunnel mountain, titaniferous deposits, 170.
Utica shale, 19.
Vanuxem, cited, 142.
Vineyard mine, 40, 41-42.
Vrooman ridge, Fine, mines, 30, 138-39.
Walton vein, 58.
Warren county, 8; gneisses, 14; titaniferous magnetite, 147.
Washington county, 8; gneisses, 14; magnetites, 23; mines, 37-40.
Watson, W. C., cited, 43, 44, 155, 172.
Welch bed ore bodies, 78.
Wells island, quartzite, 14.
Wendell, analyses by, 39, 54, 55, 98, 99.
West End ore bodies, 51.
Weston pit, Lyon Mountain mines, 117.
Westport, titaniferous magnetite, 147, 169.
White Flint pit, Palmer hill mines, 100, 101.
Whitlock, H. P., cited, 26.
Williams pit, Lyon Mountain mines, 111, 113, 114, 118.
Winter mine, 90, 105.
Witherbee, Sherman & Co., 57, 63, 86, 88.
Zircon, found in gneisses, 45, 132; granites, 112; magnetites, 114; syenites, 64, 65, 93.

New York State Education Department

New York State Museum

JOHN M. CLARKE, Director

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Descriptions and illustrations of edible, poisonous and unwholesome fungi of New York have also been published in volumes 1 and 3 of the 48th (1894) museum report and in volume 1 of the 49th (1895), 51st (1897), 52d (1898), 54th (1900), 55th (1901), 56th (1902), 57th (1903) and 58th (1904) reports. The descriptions and illustrations of edible and unwholesome species contained in the 40th, 51st and 52d reports have been revised and rearranged, and, combined with others more recently prepared, constitute Museum memoir 4.

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Museum bulletins 1887—date. O. To advance subscribers, \$2 a year or \$1 a year for division (1) geology, economic geology, paleontology, mineralogy; 50c each for divisions (2) general zoology, archeology and miscellaneous, (3) botany, (4) entomology.

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Bulletin	Report	Bulletin	Report	Bulletin	Report	Bulletin	Report
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2	51, v. 1	Pa 1	54, v. 1	10	54, v. 2	4	54, v. 1
3	52, v. 1	2, 3	54, v. 3	11	54, v. 3	5	54, v. 3
4	54, v. 4	4	54, v. 4	12, 13	54, v. 4	6	55, v. 1
5	56, v. 1	5, 6	55, v. 1	14	55, v. 1	7	56, v. 4
6	57, v. 1, pt 1	7-9	56, v. 2	15-18	56, v. 3	8, 9	57, v. 2
7-10	58, v. 1	10	57, v. 1, pt 1	19-22	57, v. 1, pt 2	10, 11	58, v. 4
11	59, v. 1	11-14	58, v. 3	23-24	58, v. 5	Ms 1, 2	56, v. 4
Eg 5, 6	48, v. 1	15, 16	59, v. 2	25, 26	59, v. 2		
7	50, v. 1	Z 3	53, v. 1	Bo 3	52, v. 1	Memoir	
8	53, v. 1	4	54, v. 1	4	53, v. 1	2	49, v. 3
9	54, v. 2	5-7	54, v. 3	5	55, v. 1	3, 4	53, v. 2
10	54, v. 3	8	55, v. 1	6	56, v. 4	5, 6	57, v. 3
11	56, v. 1	9	56, v. 3	7	57, v. 2	7	57, v. 4
12, 13	58, v. 2	10	57, v. 1, pt 1	8	58, v. 4	8, pt 1	59, v. 3
14, 15	59, v. 1	11, 12	58, v. 4	9	59, v. 2	8, pt 2	59, v. 4
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